

AN
Historical and Critical
ESSAY
ON THE
TRUE RISE
OF
NOBILITY,
Political and Civil;

FROM

The First Ages of the World, thro' the
Jewish, Grecian, Roman Commonwealths, &c.
down to this present Time.

To which is annex'd,

The Order of Precedency; with other Curious
Things: Chiefly extracted from a Valuable Ma-
nuscript, writ by an Herald.

With a Compleat INDEX to the whole.

The SECOND EDITION, with large Additions.

Conamur Tenues Grandia. (Hor.)

The First VOLUME.

LONDON:

Printed for the AUTHOR. MDCCXX.

THE NEW AND IMPROVED

ESSAY

ON THE RISE

OF MOBILITY

OF THE HUMAN BODY



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Printed for the AUTHOR, MDCCCXX



To my Much-honoured Friend,
THOMAS NORTON ⁽¹⁾,
Of *Ixworth*, in the
County of *Suffolk*, Esq;.

S I R,

TIS not any Presumption on
the Merit of the following
Sheets (the Fruits of some
Idle Hours) that draws upon you the
trouble of this Address; but the Right
you have to the Patronage of what-

iv *The* DEDICATION.

ever immediately relates to Polite Literature. And tho' this be a sufficient Reason alone, yet I cannot deny, but I have an Ambition to testify my sincere Respect and cordial Esteem, by some fit and suitable Present, which I can only wish I had made worthy of your Acceptance.

THEY contain Notions peculiarly adapted to the Studies of Men of Quality and Knowledge, and are properly Rules to confine every Man to his Center, and circumscribe him within his own Limits. To whom therefore could I with greater Justice address them, than to Your self, in whom Antiquity of Descent, Affluence of all worldly Goods, and Personal Accomplishments,

The DEDICATION. V

ishments, are so eminently and remarkably conspicuous?

MEN and Angels are regularly dispos'd by a Supreme and All-governing Power, there being several Hierarchies or Degrees establish'd in Heaven (2), as well as upon Earth (3); for the great Architect of the Universe hath fram'd all Things in an incomparable Order, making Vessels of Honour and Dishonour, placing some in a supereminent Degree, whilst others act in a subordinate Station; all conspiring friendly in an universal Harmony, but distinguishing Order from each other. Besides, read but the spangled Volume of Heaven (4), and there you'll find those vast Celestial Luminaries differ from
one

vi *The* DEDICATION.

one another in their glorious and stupendious Magnitude.

DISTINCTION of Rank is highly necessary for the Oeconomy of the World, and was never call'd in question but by Barbarians and Enthusiasts (5). A just Consideration for the several Degrees of Men, as the Orders of Providence (6) have plac'd them above us, is useful, not only to the correcting of our Manners, and keeping our common Conversation in the Bounds of *P*oliteness and Civility, but has even a better Consequence, in disposing our Minds to a religious Humility; and in observing, Step by Step, the several Degrees of Excellency above us, we arrive insensibly at last to the
Con-

The DEDICATION. vii

Contemplation of the Supreme Perfection.

IT has been said, that Inequality of Condition is a Bar to Friendship ; why then are not the Links of a Chain continu'd as well perpendicularly (7) as horizontally (8) ? But if there cannot be what is call'd Friendship between a Great and a Private Man, there may be something almost equivalent to it, whilst there is Beneficence on one part, and Gratitude on the other. I need not quote the Constitutions of Civil Commonwealths, nor anatomize the Politick Body, in shewing its Analogy with the Natural ; as how the Hand, Foot, and other Members in their several Duties perform their Allegiance to the Head.

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MUCH more also might be said in behalf of Order and Civil Distinctions: But fearing I have already too much diverted you from what may (probably) seem more agreeable and entertaining; and being conscious of my Inability to entertain you as you deserve, I shall not shew so much Vanity as to attempt it; nor give you any farther Trouble: Submitting what I have taken the Freedom to present, to the candid Interpretation and friendly Censure of your worthy self; and rest,

S I R,

Your most Affectionate

Humble Servant.

NOTES

ON THE

DEDICATION.

(1) *NORTON.* **O**F all Terminations of Surnames, as are Words meerly belonging to our own ancient Language, and distinguish our ancient *English* Families from those of *Norman*, &c. Extract, *Ton* is One of the Greatest; and therefore of this, and these ensuing Others, may be said,

*In foord, in ham, in ley, and tun,
The most of English Surnames run.*

Tho' the Name of *Hedge* does antiently appertain to our Language, yet we also us'd sometimes for the same thing, the Name of *Tun*: In the *Netherlands* they yet call it a *Tuyn*; nay, in some Parts of *England*, they will say Hedging and Tining. Our Ancestors, in Time of War, to defend themselves from being spoil'd, would (instead of Palisadoe, as is now us'd) cast a Ditch, and make a strong Hedge about their Houses; and the Houses so environ'd about with Tunes or Hedges, got the Names of Tunes annex'd unto them. As *Cote-tun*, now *Cotton*, for that his Cote, or House, was fenc'd or tun'd about. *North-tun*, now *Norton*, in regard of the opposite Scituation thereof to *South-tun*, now *Sutton*, &c. (*Verstegan's Restitution of decay'd Intelligence.*)

But, introductory of this, *Verstegan* desires his Reader (as likewise I do mine) to consider, that after our Ancestors, the *Saxons* (of whose Race I take the Gentleman, to whom this Essay is Dedicated, to be descended) were come out of *Germany*, and had plac'd themselves in *Britain*, they did change the Names (as in the 5th Chapter

ter He hath shew'd) of the Cities, Towns, Castles, Villages, Passages, Fields, Forests, Waters, Hills and Dales, &c. unto the Names of like Places in *Germany*, or unto Names otherwise intelligible and apt in their own Tongue; and did also give Names (in like manner intelligible in their own Language) to all such Towns, Castles, and Manour-Houses, &c. as themselves built and erected.

Now, as Men have always first given Names unto Places, so hath it afterwards grown usual, that Men have taken their Names from Places; I mean their Surnames; and this Custom, albeit it was not of old Time generally us'd of all, yet grew it afterward to be us'd of all such, or of the most part of such, as grew unto continu'd Families; and first, and especially in such, as were the Owners of the Places, where themselves inhabited; for that was held as a Thing of especial Credit and Account; and such Surnames did remain unto those that were issu'd from such Places, tho' they possess'd them not, as all indeed could not continue to do, by reason of the great Increase of Posterity: And this Custom of taking Surnames of Places, grew in time more usual than the more Ancient Custom us'd before, which was, of adding to a Man's proper Name, the proper Name of his Father, with putting Sonne unto it, expressing thereby whose Son He was; as in *Wales*, and among the Common People of *Holland*, it is yet the Use. Moreover, divers of our Ancestors took their Surnames by reason of their Abode in or near some Place of Note, where they settled themselves, and planted their ensuing Families; as within Tunes (or Fenc'd Places) afterwards call'd Towns (*Id. ibid.*)

(2) *Heaven.*] The Name of Heaven (saith *Verstegan* in that Chapter which particularly treats of the Antiquity and Propriety of the Ancient *English* Tongue) albeit it was of our Ancestors written *Heofen*, yet carried it like Sense or Signification as now it doth, being as much as to say Heaven, or heav'd up, to wit, the Place that is elevated. By Heaven (in this part of the Text) is meant the Emphyrean Heaven, which *Peter Lombard*, the Schoolmen, *Beda*, *Lyranus*, *Comestor*, *Tostatus*, and others affirm, it pleas'd God first to create, and which at the succeeding

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ceeding Infant (say *Beda* and *Strabo*) He fill'd with Angels. (*Sir Walter Rawleigh's Hist. of the World.*)

(3) *Earth*] Our Ancestors, the *Saxons*, call'd *Eorþ*. By it is meant, whatsoever is under the Moon, and subject to Alteration. Corrupt Seeds bring forth Corrupt Plants, to which the Pure Heavens are not subject, tho' subject to perishing. *They shall perish* (saith *David*, *Psal.* 102. 26.) *and the Heavens shall vanish away like Smoak* (saith *Esay* 51.)

(4) *Heaven*] Here it denotes the Matter of all Heavenly Bodies and Natures, as the Orbs, Planets, &c.

(5) *Enthusiasts*] Are They who pretend to Inspiration, Ravishment of Spirit, and Divine Revelation.

(6) *Providence*] Which the *Greeks* call *Pronoia*, is an Intellectual Knowledge, both Fore-seeing, Caring for, and Ordering all Things, and doth not only behold All Past, All Present, and All to Come, but is the Cause of their so being; which Prescience (simply taken) is not; and therefore Providence by the Philosophers (saith *St. Augustin*) is divided into Memory, Knowledge, and Care; Memory of the Past; Knowledge of the Present; and Care of the Future: And we our selves Account such a Man for Provident, as remembring Things Past, and observing Things Present, can by Judgment and Comparing the One with the Other, provide for the Future and Times succeeding. That such a Thing there is as Providence, the Scriptures every where teach us; *Moses* in many Places; the Prophets in their Productions, *Christ* Himself, and his Apostles, assure us hereof; And besides the Scriptures, *Hermes*, *Orpheus*, *Euripides*, *Pythagoras*, *Plato*, *Plotinus*, and (in Effect) all Learned Men acknowledge the Providence of God; Yea, The *Turks* themselves are so confident therein, as They refuse not to Accompany and Visit each other in the most Pestilent Diseases, nor shun any Peril whatsoever, tho' Death therein doth manifestly Present itself.

The Places of Scripture proving a Providence, are so many, both in general and particular, as I shall need to repeat

repeat but a Few of them in this Place ; *Sing unto God* (saith David, Psal. 147. 8.) *which covereth the Heavens with Clouds, and prepareth Rain for the Earth, and maketh the Grass to grow upon the Mountains, which giveth the Beasts their Food, and feedeth the young Raven that crieth : All These wait upon Thee, that thou mayest give Them Food in due Season* (Psal. 104. 17. 9. and 145. 15.) *And Thou shalt drink of the River Cherith* (saith God to Elijah, 1 Reg. 17. 4.) *and I have commanded the Ravens to Feed Thee there. Behold the Fowls of the Air ; They sow not, nor reap, and yet your Heavenly Father Feedeth Them.* (Matt. 6. 26.) *Are not Two Sparrows sold for a Farthing ? and One of them shall not fall to the Ground without your Father. Yea, all the Hairs of your Head are numbred,* (Luc. 12. 6. 7.) *and St. Peter, Cast all your Care on Him, for He careth for you* (1 Pet. 5. 7.) *and his Judgments are written,* saith David, (Psal. 36. 6.)

God therefore, who is every where Present ; who filleth the Heavens and the Earth ; whose Eyes are upon the Righteous, and his Countenance against Them that do Evil (*Jer. 23. 24*) was therefore by *Orpheus* call'd *Oculus infinitus*, an Infinite Eye, beholding all Things ; and cannot therefore be esteem'd as an Idle Looker on, as if He had Transferr'd his Power to Any Other ; For it is contrary to His Own Word ; *Gloriam meam Alteri non dabo, I will not give my Glory to Another.* (Esay 42. 8.) No Man commandeth in the King's Presence, but by the King's Direction : But God is every where Present, and King of Kings. The Example of God's Universal Providence is seen in His Creatures ; The Father provideth for his Children: Beasts, and Birds, and All-living, for their young Ones. If Providence be found in Second Fathers, much more in the First and Universal : And if there be a natural loving Care in Men, and Beasts, much more in God, who hath Form'd this Nature, and whose divine Love was the Beginning, and is the Bond of the Universal ; *Amor Divinus rerum Omnium est Principium, & vinculum Universi* (saith Plato :) *Amor Dei est nodus perpetuus, mundi copula, Partiumque ejus immobile Sustainaculum, ac universæ machine Fundamentum.* The Love of God is the Perpetual Knot, and Link or Chain of the World, and the immoveable Pillar of every Part thereof,
and

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and the Basis and Foundation of the Universal : God therefore, who could only be the Cause of All, can only Provide for All, and Sustain All ; So as to Absolute Power ; to every where Presence ; to Perfect Goodness ; to Pure and Divine Love ; This Attribute transcendent hability of Providence is only proper, and belonging. (*Sir Walter Rawleigh's Hist. of the World.*)

(7) *Perpendicularly.*] This is a Mathematical Term ; in *Geometry*, when a Right Line standeth so upon another, that the Angles on either side are equal, then this Right Line which so standeth erected is perpendicular to that upon which it standeth.

A Right Line is said to be Perpendicular to a Plane, when 'tis perpendicular to all the Lines it meeteth with in that Plane.

One Plane is perpendicular to another, when a Line in one Plane is perpendicular to the other Plane.

Perpendicular, or Right Plane, is when a Plane like a well-made Wall, inclines and Leans on one side, no more than it doth on the other. Perpendicular to a Parabola, is a Right Line, cutting the Parabola in the Point, in which any other Right Line touches it, and which is also it self perpendicular to that Tangent (*Harris's Lexicon Technicum.*)

(8) *Horizontally*] An Horizontal Line is any Line drawn Parallel to the Horizon upon a Plane (*Ibid*) This too is a Term made use of in Mathematicks.

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THE
P R E F A C E.

THE First Edition of this Nobility-Essay having already met with so good Encouragement, both to the Satisfaction of the Publick, as well as Applause to the Author, He hath, by the favourable Reception of the First, thought fit to publish a Second Impression, with large Annotations, Additions and Amendments; which, as it was not possible to compleat without great Expence, as well as infinite Labour, He

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He furnish'd Himself with the best Authors at no little Charge; out of which, like a skilful Artist, He hath, with indefatigable Pains, extracted the Quintessence of this Work for the Benefit of his Candid Reader.

And as He collected it with no mean or mercenary View, any ways to promote his own private Interest, but out of a Generous Intention to serve the Publick, and divert the Polite Part of Mankind; so He doth not much regard, whether or no it passes unmolested thro' the Censorious Crowd; whose squeamish Palates are frequently so vitiated, that they nauseate the Best Dainties, and relish nothing that's Savoury with a true Gust and Appetite, but turn all wholsom Nutriment to crude and indigested Humours.

Yet, to obviate an Objection or Two, it will not be amiss, that seem to be levy'd at the Work: The First of which is, the Length of the Notes; in whose Defence, This is to be answer'd: The Author, indeed,

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deed, out of the common Method, hath
swell'd Them beyond the usual concise
Compass, which is rather to be imputed
to a luxuriant Fancy, and the copious Ta-
lent of a fluent Stile, than censur'd as a
Crime of Deficiency: A Fault, if any,
very excusable, when the Critical Notes
of Bayle and Collier, whom He Copies
after, do the same: Besides, the pleasing
Variety, intermix'd with so many disse-
rent Curiosities, will fully recompense the
Fatigue, and surprise the Reader with a
delightful Scene of profitable Learning
in Law, Physick, Divinity, History, Ora-
tory, Poetry, Heraldry, and what not,
that is Nice and Curious? So that This
Judicious Reflection ought to pass upon
the Book, That 'tis a Comprehensive Epi-
tome of Polite Literature.

Another Objection is, That the Gentle-
man dwindles a little too much into the Pe-
dantry of a Grammarian by his nice Ety-
mologies; But, with Submission, He must
act Independent of the Reason of the
B Thing,

xviii The P R E F A C E.

Thing, who vainly imagines any Beautiful Structure can be rais'd, or Improvement made, without the solid and never-failing Foundation of Grammatical Learning; so that to Cavil at its Excellency, from whence we derive all our Boasted Merit, will appear not a little ungrateful.

To Conclude; The Notes are so commodiously rang'd after each Paragraph, that the Explication of almost every remarkable Difficulty that occurs, will appear at first view, at a little Distance from the Context, much to the Ease and Convenience of the Reader; who, if He takes as much Pleasure in the Perusal of this Work, as the Author hath done in Compiling it, will highly oblige Him; and He will then think his Cost and Pains meet with an Ample Compensation.



A N
Historical Treatise
OF
NOBILITY,
POLITICAL and CIVIL.

CHAP. I.

The INTRODUCTION.

NOBILITY, which many of the greater sort of Wits, with clear Proof of uncorrupted Verity, and much flowing Eloquence, have gone about to derive out of divers Fountains, is of three Sorts; and is divided into,

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i. Nobility

1. Nobility Celestial, which consisteth in Religion.

2. Nobility Philosophical, which is got by Moral Virtues. And,

3. Nobility Political, whereof this present Treatise is.

Out of the two first sorts of Nobility, no Man can become Noble except he be a good Man also; but out of the third sort a Man, tho' he be ever so wicked and graceless, may yet excel the rest of Men, even in the highest degree of Nobility: as *Caligula*, (1) *Nero*, (2) and such others did.

The Matter of Nobility was in antient time accounted of two sorts; *viz.*

1. Theological. And,

2. Moral.

For why? Nobility is in it self honourable and laudable, but without Virtue nothing (according to the Opinion of *Cicero*) (3) can be commendable or praise-worthy. Of which the Seat and Situation of the Temple of Honour among the *Romans* was a notable Example; whereto there was no Entrance or Way, but by the Temple of Virtue. (4)

(1) Caligula.] *Sic dictus à Caligis quas margaritis refertus primus gestavit; vel potius à Caliga militari, quâ frequentè in exercitu utebatur ad conciliandos sibi militum animos. id enim militibus gratissimum fore credebat, si Imperatorem vestibus nihil à gregario Milite differre viderent.*

He was called *Caligula*, because He was born in the Army where the Soldiers wore certain Breeches, which They call'd by this Name. *Caius Cesar* were his other Names. He was Son of *Germanicus* and *Agrippina*, and succeeded his Uncle *Tiberius* (whom tho' his Benefactor, He out of impatience to see Himself Master of the World, smother'd as He lay at the Point of Death) in the Empire, the 37th Year after the Birth of Christ. He was such a Monster of Iniquity, that I forbear to say any thing more of Him.

(2) Nero] *Quasi Νεύρων, i. e. nervosus & compactis viribus, a Fortitudine dict. Nero Ἀνδρείος: vel est verbum Sabinum significans virtutem & Fortitudinem; Itaque ex Claudijs qui erant a Sabinis oriundi, qui erat egregia atque prestanti Fortitudine, Nero appellatus est. Suet. Verum Sabini id nomen a Græcis accepisse videntur, qui vincula & firmamenta membrorum Νεύρα dicunt. Lat. Nervos. (Gell.)*

The Names of divers Emperours, one whereof (he whom we have to do with in this Place) call'd also *Domitianus*, adopted by *Claudius Cesar*, was so cruel and inhumane, that every Tyrant after him was call'd *Nero*. Silence is the best Tribute I can pay his Memory.

(3) Cicero] *Marcus Tullius*, Prince of *Latin* Eloquence, was born in the 648th of *Rome*, in the 168th *Olympiad*. His Father was a *Roman Knight*, descended of *Titus Tatius* King of the *Sabines*: his Mother's Name was *Helvia*. He pleaded in his very Youth so freely against *Sylla's* Friends, that for fear of the ill Consequence thereof he travell'd into *Greece*, thence to *Asia*, bent all this while upon the Perfection of his Eloquence, became Disciple of *Xenocles*, *Denys* and *Menippus*, and afterwards studied at *Rhodes* under *Apollonius Molon*, the eloquentest Man of his time.

Hence he came to *Rome*, where for his great Parts he was made Governour of *Cilicia*, and Quæstor of *Rome*. In 691, he was Consul with *C. Antonius Nepos*, during which he discover'd *Catiline's* Conspiracy, and punish'd the Accomplices, gaining thereby the Name of the Preserver of the Commonwealth. Yet in 696, he was banish'd by the means of *Clodius* and others, which the People were so concern'd at, that he was recall'd the very next Year after at *Pompey's* request, who was an Instrument of his Exile. After this, at his return from *Cilicia*, where he was Pro-consul in 702, he attended *Pompey* in the Civil Wars, after whose Death in 706, he was pardoned by *Cæsar*, whom he reconcil'd to *Ligarius*. In the 711th Year of *Rome*, 43 before the Christian Era, and in the 184th *Olympiad*, in the 64th Year of his Age, *Anthony*, one of the Triumvirate, bearing him extream Hatred by reason of the Orations he writ against him (call'd by us the *Philippicks*) got him pursu'd and beheaded. His Executioner was one *Popilius*, whose Advocate he was against some, who laid his Father's Death to his Charge. His Works are, viz. *De Inventione*, *De Oratore*, &c. His Orations, Epistles, Academical Questions; *De Finibus*; his *Tusculan* Questions; *De Natura Deorum*, *De Amicitia*, *Senectute*, &c. well known. Three Books also in Verse of what had befallen him during his Consulship, are said to have been written by him.

(4) Ashmole's *History of the Garter*, new 8vo. Edit. p. 2.

(1) Medal.]

In several of their Coins we see Honour and Virtue represented together in one Reverse, and in one Medal (1); the Face of Honour so shadows that of Virtue, that but a little of it appears, Honour being the more illustrious of the two: And when we behold any Person outwardly

wardly adorned with it, we are to judge him inwardly endued with Virtue, in as much as Honour is his due, and justly bestowed upon him. But by the preposterous Innovation and Change of things, that Nobility which properly belonged only to the Good, gave place, and instead thereof, that Nobility which is equally common to the Bad and to the Good, stepped to the Helm: Yea, even the Word *Nobilis* (or Noble) it self, which some will have to have been call'd *Noscibilis*, or Remarkable, or for some Virtue notable, began to be indifferently taken in both parts, good and bad; as *Nobile Scortum*, a Noble Harlot, *Nobile Scelus*, a Noble Villain. Neither in question of Political Nobility are we any more to have recourse to the Divines or Philosophers (2), and much less to the antient *Roman* Constitutions (for the most part) discerning all things by Magistrates Charges and Offices; but only to the Dispositions of the Princes and Monarchs of the World, who having (by permission of the Almighty) the Power of the Government thereof committed to them in divers Forms, govern Nobility according to their own Pleasure and Good-liking, and so have made the same Hereditary. Hence it is, that a Stranger, made a Nobleman at

Rome or elfewhere, is not at Home accounted in the number of Nobility, his Prince being thereto unwilling; and so *è contra*. Therefore they who examine Political Nobility by any other Rule than the Custom of every Nation, are utterly out of the way. Yet for all this so great diversity of Manners and Customs of Nations, in all places the same Definition of Civil Nobility is agreeable to all; *viz. Quod sit qualitas sive dignitas, quâ quis legitime à plebeia Conditione eximitur, & per Gradus erigitur: i. e.* That it is a Quality or Dignity, whereby a Man is lawfully exempt, and by degrees promoted out of, and above the Estate of the Vulgar and Common sort of People. Of this Nobility there be two kinds; *viz.*

1. Nobility Native, *i. e.* by Birth. And,
2. Dative, *i. e.* by the Prince's Grace and Favour,

For

(1) *Medal.*] Medals are pieces of Metal, representing the Faces of Princes, and Illustrious Persons on one side, and some Figures or Emblems on the other, call'd the Reverse. Those who value Antiquity have always had a great Esteem for such Pieces, because they teach many things which are not to be found in Books. Among the Romans, *Varrò* sought out the Portraiture of all the Illustrious Persons, who had signaliz'd themselves from the Foundation of the City, till his time. *Cicero* sought af-
ter

ter Medals with great earnestness ; and *Julius Caesar* took much delight in them. The Emperour *Severus* was so passionate a Lover of them, that he sought for those of *Jesus Christ* and *Abraham*. The learned *Spanheims* treats at large of the utility of Medals ; but those who would judge of the Physiognomy of Persons by Medals, must only take notice of such as are done by excellent Gravers, and in the mean time when the Persons themselves were alive. For the *Roman* Emperours, those made in *Italy*, and particularly at *Rome*, are the best ; for those made in *France*, *Spain* and *Greece*, are not so natural. Those who understand Medals, can easily distinguish the one from the other ; for the *Grecian* Medals, and those made in other Provinces, have generally some Hieroglyphick or Name importing where they were made, and they are mostly of a different make. The *Egyptian* Medals are easily known by their peculiar edges ; the *Syrian* by their thickness ; and the *Spanish* by their small Relief. Moreover, Strangers were not allow'd to coin golden Medals of the Emperour ; so that those of Gold are of *Italy*, and most of those in Silver or large Copper with *S. C.* upon them, *i. e.* *Senatus Consulto*, were by order of the Senate. Nothing certain can be determined concerning the Physiognomy of the *Roman* Consuls, or the Heroes of Antiquity from Medals, because the Consuls were not permitted to represent their Heads upon Money, so that their Medals were coin'd by their Descendants ; and those of the Heroes were stamp'd after their Deaths.

To what hath been said hitherto upon this Article, something may be added concerning the Credit and Use of this study. And first upon the Score of the Dignity of the Argument.

This point may be prov'd from several Considerations ; First, from the Antiquity of these Remains ; Thus, if Columns, Statues, Lamps, Rings, and several other Instances of the old *Roman* Furniture and Art, are so much valu'd, notwithstanding some of them are decay'd, and almost moulder'd into Rubbish, how ought Coins and Medals to be esteem'd, which are still preserv'd in their first Freshness and Beauty, open the Scenes of Antiquity with so much Strength of Representation, and raise a great part of the old World almost out of their Graves again ? For this reason,

reason, Persons of the highest Class both for Station and Understanding, have generally made it part of their Business to get Collections of these Curiosities; And here, not to mention the modern *Italian* Princes, as those of *Florence*, *Modena*, *Farnese*, &c. it may be sufficient to take notice, that this was the Inclination of the greatest *Roman* Emperours; such as *Julius* and *Augustus* *Cæsars*.

'Tis somewhat difficult, 'tis true, to state the Antiquities of Coins and Medals, and to assign each Nation its just Privilege with respect to the Priority of Time; However, among the *Romans*, the Consular Medals which were struck during the Republick, are easily distinguish'd from those of the Emperours, and by being so, discover their Chronological Respects. As for the Coins of the *Greeks*, and *Asiatics*, minted before their subjection to the *Roman* Empire, 'tis somewhat hard to pronounce upon their particular Age, because tho' a great part of 'em are sufficiently mark'd as to the Place; the distinctions of Time are either obscure or wholly omitted. But notwithstanding this uncertainty, 'tis plain, that a great many of these Coins were minted when *Greece* was in a State of Liberty; that is, while the *Persian* Monarchy was standing; This, I say, appears plainly from several genuine Medals of *Macedon*, elder than *Philip* and *Alexander*, from *Greek* Medals with the Names of several Magistrates Prior to the *Macedonian* Empire; to which we may add some *Sicilian* Coins of still greater Antiquity. As to the precise Age of Coins, whether they were posteriour to the *Trojan* War, as *Philostratus* will have it, needs not to be determin'd: However, 'tis no ordinary Pretence to make out the Claim of above 2000 Years Antiquity.

Neither need we question the Antiquity of Medals, if we consider, that both the matter and form of them are so well contriv'd for lasting. Indeed the Invention of Coins as well as Monuments and Inscriptions, proceeded from a desire of perpetuating the Memory and making it, as it were, immortal. For this reason the Antients us'd to take care, that the Memorable Things and Persons should be either recorded in Books, or cut upon Marble, or represented in Trophies, Pictures and Statues; and as if they distrust'd all this Provision for Fame, they took care to be registred upon Coins, looking upon this expedient

ment as the best Defence against the Force of Time. This was the Expectation of the Ancients, as appears by such Inscriptions as these upon their Coins. *Eternitati Augusti. Eterna Memoria; perpetuitati Aug. Roma Aeterna*, &c. neither were they mistaken in their Account, for their Memory has lasted longer this way than any other. The Temples, they were flatter'd with in their *Apotheosis*, are long since tumbled; Their statues, Monumental Inscriptions and Triumphal Arches, most of them, decay'd, and sunk below their Rubbish. Neither are Books themselves a sufficient Security; or, not to mention the Burning of the *Alexandrian Library*, the miserable Destruction of Authors at the sacking of *Rome* by the *Goths* and *Vandals*, the single Instance of *Photius's Bibliotheca* is Proof enough to convince us how many noble Volumes have been lost in the space of about 800 Years. As for Paintings, they are still less to be trusted to in this case: Thus *Pausanias* complains, that most of the Pieces of the greatest Masters were tarnish'd in his time: As for *Apelles* we have nothing remaining of him but his Name: His celebrated *Venus Anadyomene*, his *Alexander* drawn with a Thunder-bolt, almost as great a Painting as in Life and Action, have been lost many Ages since; neither is his great General *Antigonus* to be seen any where but on the Coins: And as for the Performances of *Protogenes*, *Parrhasius*, and *Zeuxes*, the greatest Masters of *Greece*, there were scarce any remains of them in *Rome*, when *Petronius* was living: 'Tis true, there are some little Fragments of the old Painting in the *Aldobrandin Gardens*, and the *Farnesian Palace* at *Rome*; but when they are so miserably maim'd and murder'd by Time, that they occasion more Regret than Satisfaction to those that see them.

'Tis granted, Statues, and Marble Inscriptions, having an Advantage in the Solidness of their Matter, have held out better against Decay. And of this, there are several Instances of the wonderful Perfection to which the Ancients carry'd this Art, as *Laocoon's Statue* in the *Vatican*, which, in *Pliny's* Time, was look'd upon as the Master-Piece of the World: The *Hercules* in the *Palace of the Prince of Farnese*, and the *Venus* belonging to the *Dukes of Florence*; to which we may add, the *Seneca* and

and Gladiators of the Prince of *Borghese*: The Statue on Horse-back of *Marcus Aurelius*, and some other Figures, surprizing to the last Degree for their Beauty and Curiosity of the Workmanship: But then we may observe, that as some of these have suffer'd in some measure by their Age, so the Number of them is inconsiderable; whereas Coins and Medals, on the contrary, are bright, entire, and undisfigur'd, and nothing near such Scarcities as the other: 'Tis confess'd they have met with their Casualties, by running thro' so long a Succession of Time, but still they have very much the Advantage upon the Comparison.

Farther, the Valuableness of Coins and Medals appears from the Priviledges and Respects, with which they have been all along guarded. Thus by the *Roman Cornelian Law*, which was little more than the general Provisions of all Nations and Constitutions, Money and Medals were secur'd from Counterfeiting and Clipping under the severest Penalties. To this Purpose the Heathens made a Goddess to preside over Money, representing her under the same Figure with Equity: Thus Princes, to procure a greater Regard to themselves, to make them look'd on, as it were, the Soul of Commerce, and give them a Shadow of Omnipresence, order'd their Heads to be stamp'd upon their Coins, where they were reverenc'd by their Subjects to that degree, that 'twas counted a prophane sort of Boldness to affront them in their Money. Upon this Notion it was, that *Stratonicus* in *Artemidorus* fancy'd that he had kick'd the King, because, as he was walking, he happen'd to strike up a Gold Coin with the Royal Effigies. Nay, *Suetonius* and *Seneca* inform us, that 'twas a Capital Crime, in the Reign of *Tiberius*, to carry a Piece of Money, or a Ring, with that Emperor upon it, either to the Stews or House of Offices. I might give several Instances of Peoples being try'd for High-Treason, for paying a Disrespect to the *Roman Emperors* in their Coins. For this Reason, the Coining of Money and Medals has been look'd upon as a Sovereign Prerogative, and therefore 'twas esteem'd as a singular and unusual Respect, that *Constantine the Great* allow'd his Mother this Privilege; and therefore *Ammianus Marcellinus* observes, that *Procopius* set up for Emperor against
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Valentinian, by coining several Pieces of Gold: And *Procopius*, the Historian, informs us, that the Right of Coining Gold was a peculiar Priviledge of the *Roman* Empire, and that *Justinian* was the first who gave this Liberty to the King of the *Franks*; and that neither the *Persians*, nor any other barbarous Princes could lawfully do it. However, it must be observ'd, that the *Roman* Emperor's Prefect or Lord-Lieutenant of *Gaul*, had the Priviledge to Coin Gold and Silver-Money, as we may learn from *Strabo* (*lib. 4.*) Neither was the Regard paid to Princes, the only Consideration why they kept the Mint in their own Hands; there were other Reasons to forbid it the promiscuous use of the Subject, which had it been allow'd, it would have fallen into improper Hands. The Dignity of the Argument therefore, and the Importance of the Matter, prevail'd with Princes to keep the Mint within their own Prerogative: For, to instance in some Particulars; A great Part of the Ceremonies of Religion were stamp'd upon their Medals; they were charg'd with the Solemnities of War and Peace, with the Reward of Victory, and with the Figure of the Arms with which they procur'd it; with the Heroes and Tutelar Genius's of Nations and Cities; with the Symbolical Figures of Virtues and Vices; with the Representation of Animals and Plants, remarkable either for Rarity or Service: And lastly, with the Architecture and Form of their Noblest Publick Buildings. Now such a Subject as this deserv'd to be confin'd to the Prince's Care and Encouragement, and not left to the liberty of every private and bungling Fancy.

Another Thing remarkable in Medals and Coins, is, that they afford us the Satisfaction of seeing that Animals continue the same with what they were so many Ages ago: This, tho' at first Sight it may look like a trivial Observation; yet, upon second Thoughts, it will prove no un-instructive Speculation, because it discovers the steadiness of the Creation; that the Prolifick Virtue, and the Principles of Life, are still the same; and that notwithstanding the various Revolutions of Matter, upon so long a Course of Duration, all living Creatures have still the same Figures and Powers; and that tho' the Individuals frequently die and drop off, yet the Species hold up to their

their first Model, and are, as it were, Immortal; which argues a wonderful Force and Uniformity in the Conduct of Providence.

Another Consideration to recommend the Study of Coins and Medals, may be drawn from the Curiosity of the Workmanship, which consists in crowding a great deal in a little Compass. This drawing in little, epitomizing Nature, as it were, with such Exactness, and preserving the Truth and Proportions in a Figure so very much less than Life, are justly reckon'd the highest Finishings of Art. Thus, the Bones of Giants, Heads of the *Rhodian Colossus*, or that made by *Commodus*, afford a less surprizing Pleasure, than the Resemblances of these bulky Wonders abridg'd into the smallest Volume, and cut upon Coins and Jewels. This made *Galen* commend the Artist in his Time so much, for cutting *Phaeton* in his Coach and Four, with so much Life and Distinction upon a Ring, that the Bridle, Mouth, Teeth, and Fore-feet of each Horse, might be seen with the greatest ease imaginable. To this we may add, that the Figures of the most Illustrious Persons are generally stamp'd upon Coins: The greatest Princes, Lawgivers, Generals, Philosophers, Orators, Historians, &c. In short, the greatest Persons for Birth, Enterprize, and publick Service to the World, are preserv'd this way, and represented with so much of Nature and Spirit, that we may affirm of a *Macedonian*, or *Sicilian* Prince, of a *Roman* Emperour, &c. What *Andromache* said of *Ascanius* with reference to *Astyanax*, *Sic ille oculos, sic ora ferebat*. Of this sort there are a great many *Greek*, *Sicilian*, and *Italian* Medals still remaining, no less remarkable for their Curiosity than their Age. As for the *Roman* Medals, the most beautiful of them begin about *Augustus's* Reign, and hold as far as *Severus's*, in which Period they were wrought in all kind of Metals, and furnish'd with wonderful Stroaks of Art: 'Tis true, afterwards they began to fail in their manner, and sink, as it were, with the Declension of the *Roman* Empire.

To proceed to another Branch of the Usefulness of Coins and Medals, here we may observe, how serviceable they are in discovering the Cut and Figure of the Letters us'd by the Antients, by which we may be able to conjecture upon

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upon the Age of a Manuscript, and to find out the right reading of an Author's Text. Those who understand Manuscripts are sufficiently sensible of the Maims and ill Usages they have met with; and that most of them are but Modern upon the Comparison, very few reaching further than 800 or a 1000 Years, which falls very much short of the Antiquity of Medals; And therefore, when Criticks are at a Loss or Disagreement about the Restoring and Sense of an Author, the only way to find out the Truth, and settle the Matter, is by consulting Coins and Inscriptions, which Method has frequently been practis'd with great satisfaction. Now, considering that Manuscripts are so-comparatively Modern, the Shape and Fashion of the ancient Alphabets can be discover'd no other way, than by the Learned Metals and Marbles. And here the Assistance of these Records are extreamly serviceable; for from hence we may trace the Original of Languages, the various Revolutions of the Alphabet, the Slips and Errors of the Transcribers, and in short, a great many other remarkable Discoveries are struck out this way. Thus the Resemblance between the old *Greek* and *Phenician* Alphabet may be safely examined; thus *Herodotus* discover'd the true Shape of the old *Cadmean* or *Phenician* Letters by consulting the Inscription in *Apollo's* Temple at *Thebes*; And thus, by the help of Coins and Medals, we may observe the Similitude between the *Greek* and *Roman* Letters; how the latter were made out of the former, together with the several Alterations of the Alphabet of each Nation, according to the Respects of Time. Neither is this Information confin'd to the *Greek* and *Roman* Alphabet; but the *Phenician* likewise (the Original of both) is discover'd by the inspecting of Medals: Of these there were several struck at *Carthage*, at *Panormus*, *Syracuse*, &c. mention'd by *Ursinus*, *Paruta*, and *Leonardus*; and may likewise be seen in the Cabinets of Princes and Antiquaries. Now by the assistance of these Curiosities, we may understand the Shape of the old *Phenician* or *Punick* Letters; whether there was any difference between those of *Tyre*, and those of *Carthage*; whether they are the same with the *Samaritan* Letters (as 'tis positively asserted by very Learned Criticks). And lastly, whether the *Greek* Alphabet has any resemblance with

with those above mention'd ; for since there are no Books remaining in the old *Phœnician* Language, those of *Moschus Sidonius*, of *Sanchoniathon* (if he wrote any) and the *Punick* Volumes of King *Hyempsal* being lost long since, there is no way of determining this Question, but by appealing to the Evidence of Coins and Medals: From whence it appears, that the old *Phœnician* Letters are more resembling the *Hebrew* or *Chaldee*, than the *Samaritan* Alphabet.

By the Benefit of Medals we may likewise judge concerning the Antiquity of the *Hebrew* and *Samaritan* Character, and be qualified to judge of the Preference, and in which of the two Alphabets the Law of *Moses* was written. By the advantage of this Ground, *Scaliger*, *Vallalpandus*, *Capellus*, *Morinus*, and *Walton* in the *English Polyglot*, declare for the *Samaritan*, and fetch their Proof from Coins and Medals. By these likewise, we may understand the different way of Writing, us'd by several Nations. 'Tis very well known, tho' *Herodotus* had not vouch'd it, that the *Phœnicians* us'd to write from the right Hand to the left, according to the antient Custom of the *Hebrews*, *Syrians*, *Arabians*, *Egyptians*, and other *Eastern* Nations. The same way of Writing, as *Olaus Wormius* observes, was made use of in some old *Gothick* Inscriptions ; and tho' the *Greeks* generally omitted it, either because they thought the Hand mov'd somewhat untowardly this way, or for some other reason, yet there are some antient Traces of the *Phœnician* Custom in that way of Writing, call'd *Βερεφνιδν*, in which, one Line was written from the right Hand, and another from the left. And in this fashion *Solon's* Laws were engrossed, and *Pausanias* likewise mentions such an Inscription at *Olympia* ; He likewise gives another Instance in an old Statue of *Agamemnon*, where the Letters of that General's Name are cut from the right Hand to the left. And of this Practice we have further indisputable Evidence from some of the most antient *Greeks* ; and especially the *Sicilian* Coins, where instead of *Γέλας* we have *ΣΑΛΕΤ*, with several other Names where the *Greek* Characters are writ the *Hebrew* way.

By consulting Coins we are further inform'd how the antient *Greeks* and *Latins* us'd sometimes to change their Vowels,

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Vowels, and how one Consonant in Tract of Time, was us'd instead of another. This Study will likewise inform us in the Mystery of Abbreviations practis'd by the Ancients, and in the Rules of Orthography, and discover, in a great Measure, the Alterations the *Roman* Language run thro' in the different Periods of that Republick and Empire. And thus the proper way of Writing the Names of several Famous *Romans* is restor'd, and the Neglect of the Transcribers of *Tully*, *Tacitus*, and several other Authors, found out.

Farther, the serviceableness of Medals and Coins is nowhere seen in History. And here, not to insist upon the old *Macedonian* Monarchy; upon the Governments of the *Seleucida* and *Lagida*; upon that of *Antiochus*, the *Arfa* *side*, the Kings of *Pontus*, *Thrace*, *Sicily*, &c. not to insist, I say, upon the History of these Princes, their Genealogies, manner of their Governments, and product of their Countries, which are very much discover'd and illustrated by Coins, we may proceed to the *Romans*, and perceive the most remarkable things of that vast Empire near'd up and explain'd this way. Here we have an Account of the Figure of their ancient Gallies, and other Vessels, with the manner of their engaging at Sea: Here we have unquestionable Records of the Actions of their greatest Generals; of their Military Expeditions, Legions, Discipline, Encampments, Victories, Triumphs; of the Publick Bounties of their Emperors, either in giving Land, or in releasing Tribute and Taxes; their Alliances and Truces. To these we may add their Lectisternia, Marriages, Births, Funeral Poms and Apotheoses; the Dignity and Habit of their Magistracy; the Titles and Date of their Laws; the Antiquity and Distinction of their Families, &c.

The usefulness of Coins and Medals may be further illustrated for the Convenience of carrying them about, and disposing of them in a little room. And in this Point they have a great Advantage above Obelisks, Columns, triumphal-Arches, and other Monumental Inscriptions. Here you have the *Iliads*, as 'twere, in a Nut-shell, and a small Cabinet will contain more Antiquity and Learning than a *Roman* Forum or Square, with all the Furniture of statues, Trophies, and Inscriptions about 'em. To carry on

on the Comparative Preference, and cast the Cause upon the *Historia Augusta*, I mean, the Publick and Government-part of the Emperors Lives, which makes up the Main Body of their History, and not the Management of their Court and Domesticks: And here, if we pitch upon the Life of any single Emperour, suppose *Trajan*, or *Adrian*, or *Antoninus Pius*, or *Marcus Aurelius*, or any other, of whose Actions we have a great many Remains preserv'd to us both upon Coins and Marbles; If we put the Case thus, I say, and transcribe the Records both from Medals and Monumental Inscriptions, separately upon Paper, and then get a Committee of the Learned to inspect the Account; we shall find the first to be more large and comprehensive in the Matter, more exact in the Chronology, better furnish'd with Variety of remarkable Places, and more satisfactory and demonstrative in pointing out Things and Persons. Farther, here we are, as it were, brought into the Wardrobe of their Pretended Deities, and made acquainted with their Habits; we see their Temples and Courts of Justice, their Theatres, their Publick Spectacles both in the Play-house and Amphitheatres, such as their *Ludi Seculares*, *Circenses*, *Cereales*, *Isthmain*, *Olympian*, *Nemean*, and divers others. 'Tis by Coins and Medals that we may take a View of their Solemn Processions, of their Religious Postures, and other Furniture for Sacrificing: Here we have Representations of their Emperours haranguing their Troops, giving Audience to Embassadours, bestowing Crowns upon Eastern Princes, and receiving the Submissions of those they had conquer'd.

To draw towards a Conclusion; nothing can better fix the Chronological Æra and Periods of Time, than Coins and Medals, which were struck by Publick Authority, and upon Solemn Occasions: Neither are they subject to the Casualties of Rasures, Falsification, and Decay like other Records. Antient Geography is likewise very much explain'd by Coins and Medals, there being scarcely any considerable Town, Country or Province, in *Asia*, *Africa*, *Greece*, *Thrace*, *Macedon*, *Sicily*, *Italy*, *Spain*, *Gaul*, *Britain*, &c. which is not to be met with upon Coins. From hence likewise, the Original of Colonies is discover'd, as a Pegasus upon the Coin of *Syracuse*; a Branch of Palm upon those of *Carthage*; a Minotaur upon *Gela*,
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and an Owl upon *Megara* in *Sicily*. These Emblems, I say, discover that the Towns above-mention'd had *Corinth*, *Tyre*, *Crete*, and *Athens* for their Original and Mother-Cities, according to the Order they are inserted. Thus a She-Wolf, with Twin-Boys, upon the Coins of *Alexandria* in *Troas*, and other Towns, is a certain Argument that *Rome* was their Foundress, and that the Colony came from thence. Thus Father *Hardouin*, in his Notes on *Pliny*, and several others, who have treated upon this Argument, have, from the Reverse of Medals, recover'd the true Name of divers Countries, Islands, Rivers, Mountains, Ways, Limits and Boundaries, the Priviledges of Cities, and the Value of Money and Weights.

To proceed to more modern Instances ; the *Dutch* have been particularly careful of recording every Thing memorable this way. This Method was taken by them at their first Revolt from the Crown of *Spain*, and continu'd to the present Time, with all proper Devices and Particularies of Circumstance: 'Tis true, they have frequently taken Freedoms this way, in representing Persons to disadvantage, which other Governments would have thought unbecoming their Gravity and Grandeur to make use of. But, setting aside this Mis-management, their Medals are very instructive, and compleat in the History. For Instance, We have in the Reverse of their Medals, their Original Confederation, and Union with *Utrecht* ; their early Application and Submission to *Q. Elizabeth* for her Protection ; the Cautionary Towns and Fortresses put into her Hands ; the terrible Severities they were harrafs'd with under the *D. of Alva* ; the Hardships they suffer'd under *Don Lewis de Requesens*, *Don John of Austria*, the Arch-Duke *Matthias*, the Prince of *Parma*, &c. They represent the Misfortunes and Executions of Counts *Egmond* and *Horn*, and the vigorous Efforts, Successes, and Assassination of Prince *William of Nassau* ; the Exploits during the Government of the Duke of *Alençon*, the Earl of *Leicester*, *Grave Maurice*, *Henry Frederick*, and *William the 2d* and *3d*, even to the never-to-be-forgotten Descent at *Orbay*.

As to *England* ; some Coronation Pieces and Medals, stamp'd on the Births or Marriages of some late Princes

excepted, we have little of this Kind till the Reign of King *Charles* the First. 'Tis true, there are some *British*, *Saxon*, and other later Coins in our modern Collections, both Genuine and of good Antiquity; but these being without Reverse, Shield, or Inscription, excepting a Cross, the Name of the King, or Mint, with some vulgar Sentence; the Charge, I say, being thus barren and uninstru-ctive, they are rather to be look'd upon as Money than Medals. And here the Learned Mr. *Evelyn* observes, that the first Historical Coin of this sort, which he hath met with, is a Golden Royal of *Ed.* the 3d, which represents him standing compleatly Arm'd in a Ship under Sail, holding a Sword in his Right-Hand, a Shield with the Arms of *England* and *France* on his Left; the Royal Standard Arbour'd, and display'd at the Stern, &c. This Emblematical Representation signifying his Title, both to the Sovereignty of the Sea, and the Kingdom of *France*. To this of *K. Ed.* the 3d, this Author mentions some others of *K. Hen.* the 5th, 7th and 8th, and so onward to the latter End of the Year 1688. This Subject lying somewhat out of the Common Road of Learning, and being particularly Curious and Instru-ctive, has made me dilate upon it to an unusual length, which, I hope, will not be unacceptable to the Reader. (*Collier's Great Hist.* &c. *Dict.* Vol. II. and III.)

(2) *Philosophers.*] *Pythagoras* is the First of the An-tient Sages who took the Name of Philosopher: Before him, those who excell'd in the Knowledge of Nature, and made themselves conspicuous by an Exemplary Life, were call'd Sages, Σοφοί: That Title appearing to him too great, he took another, which shew'd he ascrib'd not to himself the Possession of Wisdom, but only the Desire of posses-sing of it; he therefore call'd himself Philosopher, that is to say, a Lover of Wisdom. The Professors of the Science of Nature, and of Morals, have retain'd that Name ever since. *Cicero* tells us the Native Country of that new Title, what gave Occasion to it, and its Signi-fication: *A quibus ducti deinceps omnes, qui in rerum Contemplatione studia ponebant, Sapientes & habeban-tur, & nominabantur; idque eorum Nomen usque ad Pythagora manavit atatem; quem, ut scribit auditor Pla-tonis*

tonis Ponticus Heraclides, vir doctus in primis, Phli ntem ferunt venisse, eumque cum Leonte, Principe Phliasirum, docte & copiose disseruisse quadam; cujus Ingenium & Eloquentiam cum admiratus esset Leon, quesivisse ex eo, qua maxime Arte confideret; at illum Artem se scire nullam, sed esse Philosophum. Admiratum Leontem novitatem Nominis, quesivisse, quinam essent Philosophi, & quid inter eos, & reliquos interesset: Pythagoram autem respondisse, similem sibi videri vitam hominum, & Mercatum eum, qui haberetur maximo ludorum apparatu totius Gracie celebritate: Nam ut illic alii corporibus exercitatis Gloriam & Nobilitatem Corona peterent; alii emendi aut vendendi questu, & lucro ducerentur; esset autem quoddam genus eorum, idque vel maxime ingenuum, qui nec plausum, nec lucrum quererent, sed visendi causa venirent, studiosoque perspicerent, quid ageretur, & quo modo; item nos quasi in Mercatus quandam celebritatem ex Urbe aliqua, sic in hanc vitam ex alia vita, & Natura profectos; Alios Glorie servire, Alios Pecunie; raros esse quosdam, qui, ceteris omnibus pro nihilo habitis, rerum Naturam studiose intuerentur; Hos se appellare Sapientia studiosos, id est, Philosophos: Et ut illic liberalissimum esset, spectare, nihil sibi acquirentem, sic in vita longe omnibus studiis contemplationem rerum, cognitionemque prestare. Nec vero Pythagoras nominis solum inventor, sed rerum etiam ipsarum Amplificator fuit. (Tuscul. Quæst. l. 5. circa init. (Bayle's Hist. & Crit. Dict.)

(1) Nim-

For as for violent Nobility, such as was that of Nimrod's (1), I utterly reject it. But that these Things may be made more manifest, I will, by certain of the better Sorts of Common-wealths, even to these our Times, derive the Beginning of this Dignity, and the Manner

of obtaining the same, as it were, even from the first Infancy thereof; taking both the Matter and the Examples, I therein use, out of the most Authentick and Approv'd Authors, making hardly any Change of the Sentences, much less of the Words, that the well-affected Reader cannot of right lay any thing thereof to my Charge.

CHAP.

(1) *Nimrod*] or *Belus*, the Son of *Chus*, is commonly believ'd to be the first King or Monarch after the Flood; the ground for which generally-receiv'd Opinion is, that Text of the Holy Story, which tells us, that the beginning of his Kingdom was in *Babel*, and *Erech*, and *Accad*, and *Chalna*, in the Land of *Sinahr* (*Gen. 10. v. 10.*) this being the first mention of a Kingdom that occurs in *Moses*. And that Territory which is assign'd to him, denotes him the King of *Babylon*, or of the *Assyrians*, whose Empire is usually taken for the first Monarchy of the World. As to his Right to this Title, it could be but by Usurpation, with the Help of those that submitted to him; or by Cession from his Progenitors, the latter of which can never be prov'd. That he had it not by Primogeniture is evident, his Great-Grand-Father, Grand-Father, and Father, being all alive at the same time (*Gen. 10.*); nor is there any ground to pretend, that he had it by God's immediate Appointment, since he was of the cursed Race of *Ham*, who was his Grand-Father. He is called a Mighty Hunter, which Word Expositors differently interpret; some think, that his Courage and Skill in delivering the Country from Beasts of Prey, that destroy'd the Inhabitants, made the People choose him for King; but others (which is more probable) think, that under pretence of Hunting, *Nimrod* assembled a Parcel of bold Fellows, and by their Assistance set himself up: This St.

Augustine

Of the Nobility of the First Age. 39

Augustine seems to favour, who converts the Word *ante* by *contra*, affirming therein that *Nimrod* was a Mighty Hunter against God: *Sic ergo intelligendus est Gigas ille, Venator contra Deum*; so is that Giant to be understood, an Hunter against the Lord. When *Nimrod's* Kingdom began is not enough certain, tho' the common Opinion will have it full equal with the Time of the Division of the Earth. But thus much of *Nimrod*, who was a Tyrant, and whose Reign was founded and establish'd in Violence.
(1) *Adam*]

C H A P. II.

Of the Nobility of the First Age.

I Dare, contrary to the common receiv'd Opinion, affirm Nobility Dative to have been before, and more Excellent than Nobility Native; Example being taken even from *Adam* (1) himself, whom all Men know to have been made, not born, and verily to have been a Nobleman (if any other) as form'd by God (2) to the Image (3) of himself, endow'd with all good Gifts, and made Lord and Sovereign Ruler of all Creatures, yea, even of the whole World.

But

(1) *Adam* (From whose Loyns sprung the whole Race of Mankind) was immediately produc'd by God the 6th Day of

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of the Creation, his Body having been form'd out of the Dust of the Earth, or (according to the Signification of the Word *Adam*) of *Adamath*, or (as *Selden*) *Odamah*, of red Earth, or *ex limo terre*, out of the Slime of the Earth, or a mix'd Matter of Earth and Water. *Non ex qualibet Humo, sed ex ghaphar Adamath (id est) ex pinguiissima & mollissima.* Not that God made an Image or Statue of Clay, but out of Clay, Earth, or Dust, God form'd and made Flesh, Blood and Bone, with all Parts of Man. God breath'd a Spirit of Life in his Nostrils, *i. e.* He animated him, and made that Compound that is call'd Man, comprehending an Organical Body and a Rational Soul. *Adam* was the Father of *Cain*, *Abel*, and afterwards of *Seth*, and of divers other Sons and Daughters, whose Names are not known, and died at the Age of 930 Years, in the Place (as the Fathers very commonly believ'd) where *Jerusalem* was built since, and was buried on a neighbouring Hill, call'd *Golgotha*, or the Place of a Skull, which is that where our Saviour was crucified. 'Tis probable enough that he had a vast Science, *i. e.* that he knew all Things, and that he was exceeding Beautiful. (*Bayle's Hist. and Crit. Dict. Sir Walter Rawleigh's Hist. of the World, the First Book of the First Part, Chap. II. Sect. the 3d.*)

(2) *God.*] The Name of the Almighty, Maker and Creator of all Things, is generally, in all this great and spacious Tongue (*i. e.* the *Teutonic*) call'd God, and from the Word God is deriv'd the Word Good. See now how aptly this accordeth, and how the Signification of this Word doth also shew the Coherence thereof unto the chiefest Good, for that indeed all Good cometh from God. But the like Derivation, and proper Coherence, is not found in the *Latin*, between *Deus* and *Bonus*. (*Verstegan's Restitution of decay'd Intelligence, Chap. VII. Of the Antiquity and Propriety of the Ancient English Tongue, &c.*)

(3) *Image of himself.*] When God said (*Gen. i. 26.*) *Let us make Man in our own Image, after our Likeness,* we must not think he meant the Body of Earth and Dust; for God, who is a Spiritual Substance, Invisible and most Simple,

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Simple, Eternal and Infinite, a Just God and Merciful, who is all Charity, and (in a Word) Goodness it self, and none else simply Good (all which God himself hath been pleas'd to teach us, and make known to us of himself) hath not any bodily Shape or Composition. *Deus non est humane formæ particeps, neque corpus humanum divina* (saith *Philo*) it being both against his Nature and his Word; and to imagine that he is a Corporeal Substance would be an Error contrary to the very Essence and Majesty of God. Nay, *Maledictus* (ait *S. Augustinus in Genes.*) *qui Deitatem ad Hominis Lineamenta refert.* But by the Words of the Text God meant the Soul, the Intellect, and the Mind of Man. From whence we must conclude, that it is neither in respect of Reason alone (by which we discourse) nor in respect of the Mind (by which we live) nor in respect of our Souls simply (by which we are immortal) that we are made after the Image, Similitude, or Likeness of God; But most safely, and without falling into a damn'd Error, may we resemble ourselves to God *in Mente*, and in respect of that pure Faculty which is never separate from the Contemplation and Love of God. (*Rawleigh's Hist. of the World, First Book of the First Part, Chap. II, Sect. I, II.*)

(1) Hearn-

But that Celestial Nobility he soon (alas! too too soon) lost by heark'ning (1) to his Wife; and that Worldly Nobility, which he yet retain'd, being to his Children derived, began first in them to be Native, or Nobility by Birth. If any Man therefore considers *Adam's* own Race and Progeny, he must needs confess all the Men of that Age to have been together Noble. But as in Man's Body, for the Preservation of the whole, divers Functions and Offices of Members are

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are required ; even so in that first Society of Men (as in all others) a Distinction of Persons was necessary : Wherefore the first Commonwealth, which was of the Family of *Adam* and of his Children, consisted wholly of Noblemen, *viz.* Of the Children of one Father, and he a King (2), a Prophet (3), and a Priest ; but yet not all to be with like Honour reverenc'd. For he, that first Housholder, as it were by the Decree of Nature, gave the Pre-eminence and chief  Place to his first-begotten Son, so long as he kept the Right of his Birthright ; which Order other Families afterwards following, constantly observ'd : So that he who was first by Nature, should be accounted also first in Honour.  Yet nevertheless was it altogether lawful for the Father of the Family to make Choice of his own Children, that so, according to every one of their Deserts, he might bestow upon them Honours, or take them from them,

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(1) *Hearkening to his Wife.*] God having made Man (the last and most admirable of all his Works to us known) plac'd him in a fine Garden (commonly call'd the Terrestrial Paradise, or the Garden of *Eden*) and to qualify him to impose a Name on the Beasts, made them all come to him ; afterwards casting him into a profound Sleep, took a Rib from him, of which he made a Woman, and brought her

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her to him, that she might be his Wife. *Adam* knew that she was Bone of his Bones, and Flesh of his Flesh, call'd her Woman, because she was taken out of Man, and liv'd with her without being asham'd to see one another naked. Of every Tree which this Place of Pleasure and Delicacy afforded, they might freely eat, one only excepted, viz. the Tree of Knowledge of Good and Evil (so call'd, not from any self Virtue or Quality that the Fruit of that Tree had to create such Knowledge in *Adam* by the Tasting thereof, as if he had been Ignorant before, but from the Experience of Good and Evil by the Event) and that God had forbid them to Taste of on Pain of Death. Hence 'tis evident, that God gave to Man in his Creation a Free, and unconstrain'd Will, bestowing on him the liberal Choice of all Things, with one only Prohibition, to try his Gratitude and Obedience. This was the State of our first Parents, pure and uncorrupted; a State as happy as could be here below, till they had violated the Prohibitions God had laid upon them. 'Twas the Woman that disobey'd God's Command first: For being seduc'd by the vain Lies and fair Promises of the Serpent (the most subtle, tho' ugliest Beast of the Creation) she ventur'd to taste of the Forbidden Fruit, and solicited her Husband to taste of it also. God came and pronounc'd the Punishment that he would inflict upon them for their Disobedience in the Words following, saying to the Woman (who first sinned) *I will greatly multiply thy Sorrow and Conception, in Sorrow thou shalt bring forth Children; and thy Desire shall be to thy Husband, who shall rule over thee:* (Gen. 3. 16.) To *Adam*, because thou hast hearken'd to the Voice of thy Wife, &c. *cursed is the Ground for thy sake; in Sorrow shalt thou eat of it all the Days of thy Life: In the Sweat of thy Face shalt thou eat Bread, till thou return unto the Ground, out of which thou wast taken; for Dust thou art, and unto Dust thou shalt return.* (ver. 17, 18, 19.) God also expell'd them Paradise, and made them Cloaths of Skins. *Adam* call'd his Wife *Eve*, because she was the Mother of all Living, (v. 20.) and consummated his Marriage, which he had not done before, tho' he had receiv'd the Nuptial Benediction from the Mouth of his Creator, and had his Orders drawn up, and notified in due Form, to Increase, to Multiply, and

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to Till the Earth, (chap. 1. ver. 28.) So that by *Adam's* heark'ning to the Voice of his Wife, contrary to the express Commandment of the Living God, Mankind by that her Incantation became the Subject of Labour, Sorrow, and Death (the Woman being given to Man for a Comfort and Companion, but not for a Counsellour). It may be ask'd (perhaps) what mov'd the Woman to that Disobedience? Even a Desire to know what was most unfitting for her Knowledge; an Affection which hath ever since remain'd in all the Posterity of her Sex. As also what mov'd the Man to yield to her Persuasions? Even the same Cause which hath mov'd all Men since to the like Consent, *viz.* an unwillingness to grieve her, and make her sad, lest she should pine and be overcome with Sorrow. But if *Adam* in the State of Perfection, and *Solomon* the Son of *David*, God's chosen Servant, and himself endu'd with the greatest Wisdom, did both of them disobey their Creator, by the Persuasion, and for the Love they bare to a Woman; it is not so wonderful as lamentable, that other Men in succeeding Ages have been allur'd to so many inconvenient and wicked Practices, by the Persuasions of their Wives, or other Beloved Darlings, who cover over and shadow many malicious Purposes with a counterfeit Passion of dissimulate Sorrow and Unquietness. (See the first three Chapters of Genesis. Bayle's *Hist. and Crit. Dict.* Rawleigh's *Hist. of the World*, the First Book of the First Part, Chap. II. Sect. VI. Chap. IV. Sect. IV.)

(2) *King.*] Under what time the Beginning of Kingdoms or the first King should be plac'd, is (according to *Selden*) most uncertain. For, altho' in the Time before the Flood, there be no express mention in the Holy Story of a King, and that the common Opinion be, that in *Nimrod* or *Belus* (Father to *Ninus*) the first Monarchy began after the Flood, yet there is reason enough to conjecture, that there were Kings also long before both him and the Flood. For besides that *Cain's* building of a City, and denominating it from his Son *Ensch*, seems to have a Character of a Kingdom in it, *Cedren*, instructed out of the Antients, goes as high here as possible, and makes *Adam* the first King and Governour, and that (as *Selden's* express Opinion is) with reason enough. He govern'd
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(saith *Cedren*) or commanded all Mankind, as long as he liv'd, and *Seth* succeeded him in that Empire. Besides, we see in those of the following time, who have left us fuller Testimonies of particular Forms of Government, that Monarchy hath continually been, and to this Day is not less generally admitted and establish'd in all Nations, than as if it were deriv'd out of the Law of Nature, which doubtless was not less follow'd in those many Ages before *Nimrod*, than it hath been since him. And thence is it that divers good Authors have without Question suppos'd the Monarchick Government both to have been presently upon the first Times; and also, that in the Frame of Nature itself, Man, as a civil Creature, was directed to this Form of Subjection. *Principio rerum* (saith *Justin*) *Gentiumque imperium penes Reges erat, quos ad Fastigium hujus Majestatis non Ambitio popularis, sed Spectata inter Bonos Moderatio provehebat*; And *Seneca* to the same Purpose, *Primi Mortalium, quique ex his genti, naturam incorruptam sequebantur, eandem habebant & Ducem & Legem, commissi melioris arbitrio; Natura est enim potioribus deteriora submittere*. As if the sole Observation of Nature had necessarily led the Affections of Men to this kind of State; whence it is also, that while others of the most curious in their Philosophy tell us of the Angels, and the Supream Heavens being immediately govern'd by the first Maker of all Things, of the Planets and other Stars being held by the Sun, and of separated Souls, and the Air being subject to the Moon, they add together; that upon Earth, Kings are in like sort Governours, as if natural Reason had first ordain'd them on Earth by an unavoidable Imitation of the Creator's Providence, us'd in that Institution of a Monarchy or Government in the Air, Stars, and Heavens. Neither do the antientest *Gentiles* otherwise speak of those elder Times, than with a clear Supposition of Monarchy, even in the Infancy of the World: Those Kingdoms of *Saturn*, *Jupiter*, *Neptune*, *Pluto*, and the like, fully denoting as much. For under those Names applied to distinct Kingdoms, not Gods, but the Monarchs of Land and Sea in the first Times were understood. (*Tit. Hon.*)

(3) Pro-

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(3) *Prophet.*] The Word Prophet comes from the Greek *Προφήτης*, which signifies a Teller of Things to come. Such an one we ought to believe was *Adam*.

(1) *Villages.*

Of the great number of *Adam's* Progeny, and the Discord of the Brethren amongst themselves, at length arose the Division of Families, and so consequently the Uncertainty and Forgetfulness of Kindred, with deadly Hatreds and Fallings-out besides. By War the change of Mens Estates and Conditions, and Servitudes were usher'd in ; the vanquish'd, of Noble became base and ignoble, and *è contrà*, the Victors of base Persons became Noble. Men for the Preservation of themselves have out of Families assembled together into Villages (1), out of Villages into Cities (2), and out of Cities have grown together into Provinces, and so into vast Kingdoms. In Dangers and Distresses, according to the Rule of Reason, wise Men were call'd upon for their Counsel, valiant Men for their Aid and Defence ; to whom as to Men most worthy, the Government was committed ; whereas the rest, without any difference, were compell'd to obey, no regard being had to their Stock or Kindred.

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(1) *Villages.*) A Village, Latine, *Villa*. Græcè *ἑταύριον*, *ἑταύριον*, *ἑταύριον*, dict. à *vebendo*, qu. *vehilla*, quod in eam à villico fructus convehantur, & evebantur, cum veneunt; à *villo*, i. e. *Aggere terra*, quod pro limite constitui solet; à *vicus* *vicula*. dim. *villa*. Coke saith, *Villa* est ex pluribus mansionibus vicinata, & collata ex pluribus vicinis, Instit. I. Fol. CXV. Spelman saith, *Villa* apud Saxones nostros antiquos Romano sensu accipi videtur, pro prædio unius alicujus in Rure, cum idoneis Aedibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexionem, quod in oppidis potius expectandum esset, & successivis temporibus villis postea introductum est.

Vicus. *ῥύμν*, *Ἀμφοδ*, quod per vices, i. e. Ordines Aedificia collocantur; vel quod sit vice civitatis; vel quod vias habeat tantum sine muris; ab *οἶκ* domus. Coke saith, it is called *vicus*, because it is propè *viam*. Instit. I. Fol. CXV.

Pagus, à *πάγ* collis, quia primitus in colle, securitatis causâ Aedificia extruxere; vel ut aliqui à *πῆγν* Fons.

(2) *Cities.*) A City, Latine *Civitas*, Græcè *πολιτεία*, *πόλις*, à *civis*, quod à *cio* vel *cio*, ut à *ciendo* Concio, à *παλῆν* *ἑκκλησία*; quod in unum quasi vocentur Corpus. Al. à *coeo* (undè & *Cetus* à *coitu*) quasi *coivis*. *Cives* Vocati, quod in unum coeuntes vivant, ut vita communis & ornatior sit & tutior. Aliq. *civitas* dicitur *jus civium*. *Cæ* *tus* hominum *jure sociati*, qui *civitates* appellantur.

Urbs. *ἄστυ*, *πόλις*, ab *Orbe*; quod antiquæ civitates in orbem fiebant; vel ab *urvo*, vel *urbo*, parte aratri quo muri designabantur. Antiqui enim Hetrusco more in urbibus condendis, junctis tauro & vacca, sulcum Aratro circumagebant, intra quem urbem edificarent.

Civitas & *urbs* in hoc differunt, quod *incola* dicuntur *civitas*, *urbs* verò complectitur Aedificia; but with us the one is commonly taken for the other. Co. Instit. I. Fol. CIX.

Cities were constituted (and so it was declar'd in the Time of W. I. the pretended Conquerour) for three Purposes. I. *Ad consuetudines Regni nostri*, & *jus nostrum commune*, & *dignitates corona nostra conservand.* II. *Ad*
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Tuitionem gentium & populorum Regni. III. Ad Defensionem Regni; i. e. First, for Conservation of the Laws, whereby every Man enjoyeth his own in Peace: Secondly, for Tuition and Defence of the King's Subjects, and for keeping the King's Peace in Time of sudden Upstarts: And lastly, for Defence of the Realm against outward or inward Hostilities. *Ibid. Cowel* (in his *Interp.*) says, *Civitas* is such a Town corporate as hath a Bishop and Cathedral Church; of which it is said thus; The same Place is in *Latin* call'd *Urbs*--- *Civitas*, & *Oppidum*: It is nam'd *Civitas*, in regard it is governed in Justice, and Order of Magistracy. *Oppidum*, for that it contains a great number of Inhabitants: (And *Oppida* are so call'd either *ab Opponendo se Hostibus*, because Walls were oppos'd against Enemies; or *ab Opibus*, because thither they gather'd their Riches for Safety and Defence) and *Urbs*, because it is in due Form begirt about with Walls.

(1) *Seth.*

That these Things were thus in the *Jewish* State and Common-wealth, is to all Men manifest, which are easily read in the old Testament. First, that Principality and Prerogative were given to the First-begotten, will easily be understood, if it be diligently consider'd, that when *Adam*, by reason of his great Years, was not able longer to attend to the Government of the Church, and of the Common-wealth, *Seth* (1) was made Governour, who then held the Place of the First-begotten. To *Seth* even for the same Cause, succeeded *Enoch* (2), to *Enoch*, *Conan*; to *Conan*, *Mabaleel*; to *Mabaleel*, *Fered*; to *Fered*, *Canoc*; to *Canoc*, *Metbuschel*; to *Metbuschel*,

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bushebel Lamech ; to *Lamech Noab* (3), who ruled over his Progeny 110 Years after the Deluge (4), at which time the dispersing of his posterity happen'd ; which Dispersion being made, every one of them reckon'd himself as prince (5) of his own Family ; which Pre-eminence pass'd still to the First-born of that Stock and Family ; so that the First-begotten of the principal Family still held the same.

Neither

(1) *Seth.*] The third Son of *Adam* did not come into the World till after *Abel* had been kill'd by *Cain*. His birth being A. M. 131. He was an Imitator of his Father's Piety ; and his Children took Pattern by him ; for which reason they are call'd in Scripture the Children of God, in Opposition to those of *Cain*, who are call'd the Children of Men. He was the Father of *Enos*, and died A. M. 342. Aged 912 Years. *Seth* in *Teutonical* always pronounced *Set*, is as much as to say, *positus*, i. e. set or plac'd in the room or stead of another ; viz. of his righteous brother *Abel*, whom *Cain* slew. (*Verstegan's Restitution of Decay'd Intelligence.*)

(2) *Enoch.*] *Henoch*, albeit of some so written, yet is pronounced *Enoch*. *E* signifieth Law or Equity, *noch* is as much as to say *as yet again* ; so as in this Name seemeth to be express'd, and foretold, a Time of Equity or Justice, which was yet to come. The Bearer hereof walking while here he liv'd in Equity before God, was by him accordingly rewarded, by being extraordinarily taken away from this unrighteous World. (*Verstegan.*)

(3) *Noah.*] A Name signifying rest ; he being reserv'd to repose after the raging Flood. (*Id. Chap. VIII. Page CLXXV.*)

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(4) *Deluge.*]

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(4) *Deluge.*] Of this destruction it pleas'd God to give warning unto *Noah*; who (saith *Josephus*, l. i. c. 4.) fearing to perish among the rest, *Decedens cum suis in aliam Regionem migravit*: And of these Giants, from whom *Noah* withdrew himself, *Berosus* writeth in this manner. That they exceeded in all sorts of inhumane and unnatural Wickedness; and that they were *contemptores* & *Religionis* & *Deorum*. Among which mighty Men (saith *Berosus*) *unus erat qui Deorum venerator & prudentior cunctis* &c. *Huic nomen erat Noah*: who with his three Sons *Sem*, *Japhetus*, *Cham*, and their Wives, and the Wife of *Noah* (*viz.* *Titea* the Great, *Pandora*, *Noela*, and *Noegla*) preserv'd themselves in the Ark. This Ark God commanded *Noah* to prepare: And God said unto *Noah*, *Make thee an Ark of Pine Trees: Thou shalt make Cabinets in the Ark, and shalt pitch it within and without with Pitch.* (*Genes.* 6. 14. ver. 13.) For God made *Noah* to know, that an end of all Flesh was at Hand, and that the Graves of the rebellious and cruel Generations were already fashion'd in the Clouds, which soon after should swallow up and cover all living Creatures, which breath'd in the Air, *Noah* and his Family excepted.

But this universal Grave of Waters, and general Deluge hath not been receiv'd by all; for divine Testimonies do not persuade all natural Men to those Things, to which their own Reason cannot reach; *dum obvoluta in obscura veritas latet.* (*Lact.* in *Præf. de falsa Religione.*) Many there are who have disputed against the universality of this Over-flowing, and have judg'd that this Flood of *Noah* fell but in some particular Places and Kingdoms: mov'd so to think, because in elder Ages there have been many other Floods (as they suppose) of that Nature. Here of *Nicholas Damascenus* writeth, whose Words are to be seen, cited by *Josephus*, (*Archæol.* l. i. c. 4. *Euseb. de præp.* l. 9. c. 4.) And of this Opinion were the *Talmudists* (saith *Annius.*) But *Berosus* (who, after *Moses*, was one of the most Antient, howsoever he hath been since deform'd and corrupted) doth in the Substance of all agree with *Moses*, as touching the general Flood, taking from thence the beginning of his History in these Words. *Ante Aquarum cladem famosam, qua universus perijt orbis.* &c. writeth

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...sing withal, that *Noah*, with his Wife *Titea*, and his three Sons with their Wives (in all eight Persons) were highly fav'd.

But from the Vanity of the *Greeks*, the Corrupters of Truth (saith *Lactantius*) who without all Ground of certainty, vaunt their Antiquity, came the Error first of all, who therein flattering themselves also, sought to persuade the World that there was no Flood preceded that of *Ogyges*, King of the *Thebans* in *Beotia*, or rather *Attica*, and therefore (saith *Rhodiginus*, lib. 15. cap. 1.) *Ogygium id appellant Poeta, tanquam pervetus dixeris ab Ogyge vetustissimo*. But let *Ogyges* be as antient as those Men can make him, yet it is manifest, that he liv'd but in *Jacob's* Time (tho' *Eusebius de Prep. Evangelica* lib. 10. cap. 3. makes him later, and in *Moses's* Time) and was born 67 Years after him: There is also an Opinion, that *Ogyges* was *Cadmus*, (and then was he later) as *Rhodiginus* in the 9th Book of his *Antiquities*. Cap. 22. remembreth.

But this Flood of *Ogyges* fell in the Year of the World 140 according to *Eusebius*, who follow'd the Account of the *Septuagint*, and the Flood of *Noah* in the Year 2242, after the same Account, and so there came 1200 between these Floods, wanting but two, tho' herein *Eusebius* was much mistaken, and corrected this Opinion in his *Chronology*: Now altho' the very Year and Time of this Overthrowing in *Achaia*, or rather *Attica*, be not precisely known down, but that there is a great difference among writers; yet whosoever makes it most antient, finds above 500 Years difference between that and the general Flood.

For *Paulus Orosius* affirms, (lib. 1. cap. 7.) that this Tempest fell upon the *Athenians* but 1040 Years before the City was built: *Bucholzerus* saith it was 1043 elder than the City, which was founded (according to the same *Bucholzerus*) in the World's Year 3219, tho' after the Account which I follow, it was built in the World's Year, 3280. Now, the general Flood preceded the Building of *Rome* (saith *Bucholzerus*) 1563 Years; and the Flood of *Ogyges* (before) 1043: Hence it followeth by easy Calculation, that (if he place *Ogyges* in his true Age) the difference between these two Floods must be 520 Years, to which

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we allowing 60 more, find 580. And that this of *Ogyges* was not the same with *Noah's* (except we call *Noah*, *Ogyges*, *Prifus*, as some do) it appears by this, that the Flood of *Ogyges*, then King of *Attica*, or *Ogygia*, did not extend itself any farther than the Banks of the *Archipelago*, or *Aegean* Sea. For whereas *Mela*, (*lib. 3.*) *Pliny*, (*lib. 5.*) *Solinus*, (*cap. 47.*) witness, that the City of *Joppa* in *Judea* was founded before the Flood, and that (notwithstanding the height of Waters) there remain'd on certain Altars of Stone, the Title of the King and of his Brother *Phineus*, with many of the Grounds of their Religion: Sure it is no where found among prophane Historians, nor in the Scriptures, that ever the Flood of *Ogyges* spread itself over any part of *Syria*, much less over all the Earth: but that it drown'd both the Regions of *Attica* about *Athens*, and that of *Achaia* in *Peloponnesus*, it is very probable. One thing herein is worthy to be noted, that this great, but particular Flood of *Ogyges*, was (as *St. Augustine*, *de civit. Dei. lib. 21. cap. 8.* tells us) accompanied with such unusual (and therefore the more dreadful, tho' natural) Signs, testifying the Concurrence of Causes with Effects in that Inundation. Whereas the Flood of *Noah*, which was general, and altogether miraculous, may seem to have had no other Token, or Fore-shewing, than the long preaching of *Noah* himself, which was not regarded: for they were eating and drinking when the Flood came suddenly and took them all away (*Luke 17. ver. 27.*) *Sir Walter Rawleigh's Hist. of the World, the First Book of the First Part, Chap. VII. Sect. I, and II.*)

This worthy Author, (in *Sect. III, IV.* following) gives us a Description of a second Flood of great Fame, viz. That of *Deucalion* in *Thessalia*, proving at the same Time, that this was not *Noah's* Flood, nor the *Umbrian* in *Italy* a Remnant of any universal one; citing also some other Records, testifying the universal Flood of *Noah*, mentioning two ancient Deluges in *Egypt*, and some else where; earnestly exhorting us to rely upon the Scriptures in what relates to *Noah's* Flood, not upon vain Fables and false Traditions: To which Sections I refer the Reader, and shall for the Purpose pass on to the 5th *Sect.* which maintains the Flood of *Noah* was Supernatural, tho' some

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It might have been foreseen by the Stars. Now, however all these Floods, (*viz.* Ogyge's, Deucalion's, and the two antient Deluges in Egypt, saith our Author) and many other, which have cover'd at several Times, several Regions, not only in these Parts of the World, but in America also, as I have learn'd of some antient Soothsayers among them, may be ascrib'd to natural Causes and Accidents; yet that universal Flood, in the Time of Noah, was pour'd over the whole Face of the Earth, by a Power above Nature, and by the especial Commandment of God himself; who at that Time gave Strength of Influence to the Stars, and abundance to the Fountains of the Deep; whereby the Irruption of Waters was made more forcible than any Ability of Nature could effect, or any second Causes, by whatsoever union, could perform, without receiving from the Fountain of all Power, Strength and Faculties. *Henricus Machliniensis*, a Scholar of *Albertus Magnus* (in his Commentaries upon the great Conjunction of *Albumasar*) observeth, that before the Flood of Noah, the like Conjunction of *Jupiter* and *Saturn* happen'd in the last Degree of *Cancer*, against that Constellation, since call'd the Ship *Argos*; by which the Flood of Noah might be foretold, because *Cancer* is both a watry Sign, and the House of the Moon, which is the Lady of the Sea, and of Moisture, according to the Rules of Astronomy and common Experience. And this Opinion *Petrus de Aliaco* (upon *Gen.* 7. 11.) confirmeth, affirming, that altho' Noah did well know this Flood by divine Revelation yet, (this Conjunction being notorious) he could not be ignorant of the second Causes thereof; for those were not only Signs, but also working Causes, by Strength receiv'd from the first Cause, which is God himself. And further, that by *Cataracta Celi* (English'd, the Windows of Heaven) *Moses* meant this great and watry Conjunction, the Word *Cataracta* signifying flowing, or coming down. (The Word *καταεξις* *vel.* *καταρρακτης*, properly signifieth any Place of Stoppage, against which the Force of Water being naturally carried downwards, dasheth and breaketh; of *α-κρω αλιδω*, *vel.* *frango*. Hence because Windows do not only open, but also shut, the Word hath been expounded Windows for Bars or Flood-Gates.) Now (saith *P. de Aliaco*) it pleas'd God to ordain by the Course of the Heavens,

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such a Constellation, by which all Men might behold their Destruction towards, and thereby forsake those wicked Ways, wherein they walk'd, and call unto God for Mercy.

Of this Judgment was *Guil. Parisensis*, who understood, that the Words *Cataractæ Celi*, or Windows of Heaven, were to be taken for the former Conjunction, or for those watry Signs, *Cancer, Pisces, Pleiades, Hyades* and *Orion*; and of the Planets, *Mars, Venus*, and the *Moon*, which are the forciblest Causes of the greatest Inundations.

But in a Word, as it might please God, that in the Course of his unsearchable Wisdom, this Conjunction should at some times be, so did he (as aforesaid) add Vigour and Faculty, and gave to every Operation increase of Virtues, violent eruptions to Springs and Fountains, commanding them to cast out the whole Treasure and Heap of their Waters; taking retention from the Clouds, and condensing Air into Water by the Ministry of his Angels, or whosoever else best pleas'd his All-powerfulness. (*Id. ibid.*)

(5) *Prince.*] After *Nimrod*, or rather in his Age (if it jumps exactly with the Time of the Division of the Earth, as the common Opinion will have it) there was so general a Propagation of the Title of King, or Supream Prince over the Earth, that there is scarce a Nation, whereof there is Memory in those Ages, without a King or Prince, or Monarch, by name assign'd to it. For in the Holy Memorials of that Division among the Posterity of *Noah*, we see that the Earth was so divided, that the Heads of Families took their several Parts according to their Language, and according to the Families in their Nations. (*Genes. 10.*) And they which are named there, were doubtless the Kings or Supream Princes of the Nations of which they were Authors. And in that Division (which, as it hath relation to the more *Eastern* and *Southern* Parts in *Sem* and *Cham*, is somewhat clear in *Moses's* Expression of it) the Parts of *Japhet* also, and his Posterity, as of *Gomer, Magog, Madai*, and the rest, with their Kingdoms, are in antient Testimonies of the *Greek Church* extended by express Words, from the *Northern* Parts of *Asia* into this Island

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Island of *Great-Britain*, and the neighbouring Countries. For so they interpret that of *Moses*, where he says, that the Isles of the Nations were divided by them, (*Gen. 10.*) Hence appears the Antiquity of the Titles of King and Prince,

(1) *Pa-*

Neither ought any Man to doubt that every one of the Patriarchs (1) ruled as chief Men over their own Tribes and Families till the Government of the whole People was delivered over to *Moses* (2). But concerning *Moses* himself you may read (3), that he and *Aaron* (4) gather'd together all the Elders (5) of the Children of *Israel* (6) which was the first Assembly (7). The Lord commanded seventy of the Elders of the Children of *Israel* to come unto him together with *Moses*, which seventy (in the same Chapter, ver. 11.) are as it were by a known Name call'd Nobles, or chief Persons of the Children of *Israel*. Besides, *Moses* being oppress'd with the Multitude of Suits, following the Counsel of *Jethro* (8) chose out of the People certain Captains of thousands, who should bear rule over a thousand Families; others of hundreds, who commanded over a hundred; others of fifties, who had the command over fifty; and others of tens, who had rule over ten; and determin'd their lesser Suits and Controversies.

D 4

Now

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(1) *Patriarch*] Comes from the Greek Word, *Πατριάρχης*, i. e. the first chief Father. Thus they call'd at first all the Heads of their Generations, mention'd in the old Testament, from *Adam* to *Jacob*; which Name hath since been given to the Bishops of the Churches of *Alexandria*, *Antioch*, *Jerusalem*, *Constantinople*, and *Rome* also. The five Principal at *Rome* are there call'd Patriarchal, which are those of *St. John de Leteran*: *St. Peter* of the *Vatican*; *St. Paul*, without the City; *St. Mary Major*; *St. Etienne*, and *St. Lawrence*.

(2) *Moses*.] A Prophet and Lawgiver of the *Jews*, Son of *Annam* by *Jachabed*, born after his Sister *Miriam*, and his Brother *Aaron* in 2464 of the World, 808 after the Flood, and 408 after *Abraham*. An Order being issu'd out from the King of *Egypt*, commanding the *Hebrew* Male-Children to be kill'd; *Jachabed* hid him three Months, but for fear he should be discover'd, she trusted to Providence, and expos'd him on the River *Nile*, in a Place where *Thermutis*, *Pharaoh's* Daughter us'd to bathe. The Princess finding him, and *Miriam* his Sister asking her, if she would have a *Hebrew* Nurse for him, lik'd it; and the Child was deliver'd to his own Mother. Three Years after he was carried to the Princess, adopted by her, and nam'd *Moses*, signifying (in the *Egyptian* Language) sav'd out of the Water. Great care was taken of his Education, and being endued with good Natural Parts, he quickly arriv'd to a Perfection in all the *Egyptian* Sciences. The Scripture saith, that *Moses* at 40 Years of Age, left *Pharaoh's* Court to visit his Brethren, and that he slew an *Egyptian* abusing an *Israelite*, which made him retire into the Desarts of *Midian*, where he married *Zipporah*, the Priest *Jethro's* Daughter, King of *Arabia*, and had two Sons by her, *Gershom* and *Eleezer*, A. M. 2544, 887 after the Deluge, and the 80th of *Moses's* Life. He having spent 40 Years with his Father-in-law, God's Glory appear'd to him in a Burning Bush, going towards *Hreb*, betokening thereby his intention to make him his Instrument of delivering his People, the *Israelites*, from their *Egyptian* Bondage; which *Moses* out of Modesty, desiring to be excus'd from, God made use of his Authority to set aside

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his Allegations, changing his Rod into a Serpent, and the Serpent into a Rod again; made his Hand leprous, and cur'd it by the same Application.

Then he gave him his Brother *Aaron* to be his Interpreter. In Order therefore to execute God's Commission, he went immediately to *Pharaoh*, and demanded that the *Israelites* might go out and Sacrifice to the Lord their God (the only true God.) *Pharaoh* laugh'd at him, and his Rod turn'd into a Serpent, because his Magicians did the like, and by his Hardness of Heart occasion'd the 10 Plagues of *Egypt*. After which he let them depart, A. M. 2545, to whom God making the Red-Sea passable, *Moses* conducted them into the Desert, where, after many Miracles, he receiv'd the Law on Mount *Sinai*, and staying there once 40 Days and Nights, he found at his return, the People adoring a Golden Calf, punish'd the most Seditious, and obtain'd God's Pardon. Afterwards he appointed all things appertaining to the Tabernacle and Consecration of Priests, following the Pattern in the Mount. Being near *Nebo*, God commanded him to go to the Top of that Mountain, whence he had a View of the Promis'd Land, and dy'd without Pain or Sickness in the 120th Year of his Age, A. M. 2584. He was buried (according to Holy Writ) in a Valley of the Land of *Moab* over-against *Beth-Peor*; and the Place of his Sepulchre is unknown. The *Israelites* mourn'd 30 Days for him. The Book of *Ecclesiasticus* is full of the Praises of this Holy Man, and *Philo* writ his Life in three Books. The written Works attributed to him are, the Book of *Job*, and the five Books call'd the *Pentateuch*, viz. *Genesis*, *Exodus*, *Leviticus*, *Numbers*, and *Deuteronomy*. What is said of his Rod is curious, but must be omitted here for want of room.

(3) *Exod.* 4. 29.

(4) *Aaron*.] The same with a Mountain, was the first High Priest of the *Jews*, the eldest Son of *Amram*, of the Tribe of *Levi*, and Brother to *Miriam* and *Moses*. He was, by God's appointment, the Interpreter of his Commands between *Moses* and *Pharaoh* King of *Egypt*. Afterwards he was consecrated High-Priest by God's appointment, at which Ceremony Fire descended from Heaven,
Etc.

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Ex. He had 4 Sons, viz. *Nadab*, *Abihu*, *Eleazar*, and *Ithamar*. The two first were struck with suddain Death in the Tabernacle, for neglecting the sacred Fire ordain'd for the Incense of the Temple, and making use of strange Fire in their Censers. He died on Mount *Hor*, on the first Day of the Month *Ab*, which partly answers our *July*, in the 123d Year of his Age, and A. M. 2583. *Exod.* 3, 4.

(5) The Word *Elder* was always us'd both for the Magistrate, and for those of Age and Gravity, the same bearing one signification almost in all Languages. For the *Hebrew* beareth the same Sense with the *Latin* Word *Senes* or *Seniores*. So it is written in the 11th of *Numbers*, in *Susanna*, and in *Daniel*, *Demosthenes* useth the same Word for the Magistrate among the *Grecians*. *Cicero* in *Cato* giveth two Reasons for this Appellation. *Apud Lacedamonios qui amplissimum gerunt Magistratum, ut sunt, sic etiam appellantur senes, i. e.* among the *Lacedamonians* the chief Magistrates, as they were, so they are call'd Eldermen: And again, *Ratio & Prudentia, nisi essent in Senibus, non summum concilium majores nostri appellassent Senatum*; If Reason and Adviseement were not in old Men, our Ancestors had never call'd the highest Council by the Name of Senate,

(6) *Israel*] A Name given to the Patriarch *Jacob*, by the Angel, after he had wrestled with him, and signifies a Prince of God. Hence his Posterity were call'd *Israelites*, (*Gen.* 32. from Verse 22, to 29.)

(7) *Exod.* 24. 1.]

(8) *Jethro*.] or *Raguel*, *Moses's* Father-in-law. He was a Priest in the Desert of *Madian*, and call'd by *Artapanus* in *Eusebius* King of *Arabia*, the Royal Dignity being annex'd to the Priesthood in this Country; *Moses* married his Daughter *Zipporah*, who lived with him 40 Years. Afterwards this *Jethro* hearing of the Wonders which God did for his Son-in-law (*Moses*) in delivering the *Israelites* out of *Egypt*, visited him in the Desert about 2545, and advis'd him to divide the People into

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into several sub-divisions, and appoint Colonels, Captains, and other under Officers to decide civil Controversies, and command in the Field. (*Exod.* 4. 18.) (1) Ce-

Now that there were many Captains of thousands, even in one and the self same Tribe, appeareth from Holy Scripture; And these Men *Moses* here and there calleth the Heads of the Fathers, the Heads of the Tribes, Princes and Heads of the Soldiers: And amongst them were twelve chief Princes, especially chosen of the twelve Tribes, who sometimes were alone by themselves elected for some special Commission. But what manner of Men *Moses* made Rulers over the *Israelites*, and what manner of Companions he chose forth, as Assistants to himself in the Government of the Commonwealth, he of himself thus plainly witnesses, *Deut.* 1. *And I spake unto you at the same Season, saying, 'I am not able to bear the Burden of you my self alone; For the Lord your God hath multiplied you, and behold you are this Day as the Stars of Heaven in number, &c. Bring (from among you) Men of Wisdom and Understanding, and Men known in your Tribes, that I may make them Rulers over you. And you answer'd me, and said, That which thou hast said, is good for us to do.*
And

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' And so out of the Tribes I took the Captains,
' Men of Wisdom and Experience, and made them
' Rulers over you, Captains over thousands and
' over hundreds, &c. and Officers amongst your
' Tribes. But we induc'd both by the Weight
of the Words and by Reason, are oblig'd to
conjecture, that *Moses* being a wise Man, in
this Election and Choice prefer'd Men for their
Wisdom and Experience, famous and well known,
as well for the Gaining the Favour and Obe-
dience of the People, as for the better Govern-
 ment of the Commonwealth; not at all re-
garding such as boasted only of the Prero-
gative of their Birth; for otherwise, instead of
Helpers, he should rather have associated to
himself the Perturbers of the publick Peace,
Wherefore we are to look upon those seventy
Judges, by the Commandment of God appointed
by *Moses*, to have been of the Dignity of Sena-
tors; to whom some Men add two more, *viz.*
Moses himself and the High-Priest; as if six
had been appointed out of every one of the
Tribes.

By what therefore hath been already said, it
is evident, that as well Dative as Native Nobil-
ity hath been in use among the *Israelites*, and
sometimes even in one and the same Family
pass'd

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pass'd to the First-begotten alone, or to some other, grac'd with some Office in some Family; whilst the rest, born of the same Stock, in the mean time stuck fast within the Bounds of those of the vulgar State and Condition. And concerning the Kings of the *Israelites*, it is to be thought also, as of the Kings of other Nations, that they, according to their Pleasure, ennobled many, either by Reason or Affection moved and induced so to do. But now from the *Jews* let me pass over to the *Gentiles*.

C H A P. III.

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Nothing was ever more inconstant than the *Greek Commonwealth*, with perpetual Changes still floating up and down. The beginning of their Monarchy I (as most are wont) will no farther fetch than from *Cecrops* (1) the first, who (2) (its agreed almost on all Hands) was the first who gather'd together the poor Peasants, dispers'd up and down the Fields, and having united them into one Body (tho' not into one City, for that was not effected till many
Ages

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Ages after) constituted amongst them one Form of Government, and took upon himself the Title of a King. For (3) from the Time of *Ogyges* (4) to *Cecrops*, being the Space of 190 Years, they lived without any King at all.

(1) *Cecrops*

(1) *Cecrops*, an *Egyptian* by Nation, was the first King of *Athens*. He married *Agraule*, Daughter of *Actus*, chief Lord of *Attica*, where he founded his Kingdom. He was surnam'd *Diphyes*, either because he spoke two Languages, the *Greek*, and that of his own Country; or because it was he who first instituted Marriage, and abolish'd the Custom of having Women in common, which till then was tolerated among the *Grecians*. And it is for this Reason that all Antiquity thought that King had two Faces. His Reign continued fifty Years. *Eusebius* thinks it began in the 35th Year of *Moses*, which was the 2496 or 98 of the World, and 1556 before Christ. *Cecrops* had sixteen Successors in the Space of 487 Years, until *Codrus's* Time, who was the last. It is to be observ'd, that *Cecrops's* Laws correspond in many Things with the *Jewish* Constitution, occasion'd by the *Hebrews* imitating the *Egyptians* in a great many Things, which *Egyptian* Customs were introduc'd by *Cecrops* into *Attica*.

(2) *Potter's Greek Antiquities*, p. 6.

(3) *Ibid.* p. 5.

(4) *Ogyges*, an antient King of *Thebes*, in whose Days happen'd a great Deluge, from which he was sav'd, as most Authors affirm, tho' some say he perished in it, together with all his Subjects: It is difficult to find the exact Time when this Deluge happen'd. The most probable Opinion is theirs who suppose it to have been A. M. 2292, 636 Years after *Noah's* Flood; 986 before the *Olympiads*, and 1438 before the Death of *Alexander* the Great.

(1) *Pot-*

Cecrops (1), as soon as he had establish'd himself in his new-rai'd Kingdom, set himself about laying the Model of a City, which he design'd for the Seat of his Government, and Place of his constant Residence. This City (2) was built upon a Rock, and by him, with the circumjacent Territories, called after his own Name, *Cecropia*: And afterwards as the *Athenians* increas'd in Power and Number, and the Country round about fill'd with Buildings, this was the *Acropolis*, or Citadel. Then, for the better Administration of Justice, and the Promotion of mutual Entercourse amongst his Subjects, he divided them into four Tribes, *viz.* I. Soldiers; II. Artificers; III. Husbandmen, and, IV. Shepherds. He was the Author of many excellent Laws and Constitutions; nor did he only prescribe Rules for the Conduct of their Lives with respect to one another, but was the first who introduc'd a Form of Religion, erected Altars in Honour of the Gods, and instructed his People in what manner they were to worship them.

Cecrops (3) the second of that Name, and the seventh King of *Athens*, divided his Dominions

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nions into twelve Cities, or large Boroughs; compelling his Subjects to leave their separate Habitations, and unite together for the replenishing of them. But *Cecropia* still continued the chief Seat of the Empire; tho' each of these Cities had Courts of Judicature and Magistrates of their own, and were so little subject to their Princes (the Successors of *Cecrops*) that they never had recourse to them, but only in case of imminent and publick Danger; yea, so absolutely did they order their own Concerns, that sometimes they waged War against each other, without the Advice or Consent of their Kings, against whom many of them also sometimes took up Arms.

(1) *Potter*. p. 7.

(2) *Ibid.* p. 8.

(3) Succeeded his Brother *Erectheus*, A. M. 2705, and reigned 45 Years. *Potter*. p. 9.

(1) *Pot.*

They who inhabited the Champain Country, were commanded by some few; the Moutaineers were govern'd by a popular Estate; they who dwelt by the Sea-coast had a mix'd Government, carrying a Medium betwixt both; and they,

who

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who out of the whole Body of the People were call'd to the Government of the Commonwealth, were honour'd for Princes, Senators, and Noblemen. And thus (1) from the Reign of *Cecrops* the first to the Time of *Theseus* (2) the Government and State of *Athens* continued with little Alteration. *Theseus* (3) being by an Accident advanc'd to the Regal Scepter sooner than could have been expected, found out within a short Time the Inconvenience of having his People dispers'd in Villages, and canton'd up and down the Country.

To

(1) *Potter*. P. 10.

(2) *Theseus* the Son of *Ageus* King of *Athens*, by *Athra*, Daughter of *Pitheus*. He kill'd the Minotaur in *Crete*, and took away King *Minos*'s Daughters *Ariadne* and *Phedra*. He conquer'd the *Amazons*, and carried away *Hyppolite*, their Queen, of whom he begat *Hyppolitus*. He vanquish'd *Thebes*, worsted the Centaurs, and did several other Exploits. He and *Pirithous* were two sworn Friends. *Theseus* coin'd some Money with an Ox stamp'd on one side, either in Memory of the Minotaur (the Bull he had overcome at *Marathon*) or that he would incite the *Athenians*, by such a Figure, to apply themselves to *Agriculture*; and it was hence in *Plutarch*'s Judgment, that the Antients us'd to say, such a Thing is worth 10 Oxen, such another worth an 100, meaning the Pieces coin'd with that stamp. *Theseus* instituted the Isthmick Plays, in Honour of *Neptune*, and in Imitation of *Hercules*, who had establish'd others for *Jupiter*.

(3) *Potter*. P. 10.

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To prevent therefore this Evil, he form'd in his Mind (saith *Plutarch*) (1) a vast and wonderful Design, of gathering together all the Inhabitants of *Attica* (2) into one Town, and making them one People of one City, who were before dispers'd, and very difficult to be assembled upon any Affair, tho' relating to the common Benefit of them all. Nay, often such Differences and Quarrels happen'd amongst them, as occasion'd Bloodshed and War: These he by his Persuasions appeas'd; and going from People to People, and from Tribe to Tribe, propos'd his Designs of a Common Agreement among them. Those of a more private and mean Condition readily embrac'd so good Advice. To those of greater Power and Interest he promis'd a Common-wealth, wherein Monarchy being laid aside, the Power should rest in the People; and that, reserving to himself only to be continu'd Commander of their Armies, and the Preserver of their Laws, there should be an equal Distribution of all Things else amongst them; and by this Means he brought most of them over to his Proposal.

The

(1) P. II. Pott. *Plutarch* of *Cheronaa*, a City of *Bœotia*, was a Philosopher, Historian, and Orator, in great Esteem

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Esteem *Temp. Nerva & Trajani*; 'tis uncertain what Year he dy'd in. He writ the Lives of the Illustrious Men of *Greece* and *Rome*, and several other Things, wherein he manifests the general Knowledge he had in all Things, &c.

(2) *Attica*] A Country of *Greece*, between *Achaia* and *Macedonia*, the chief City whereof was *Athens*. This Country is now call'd *The Dutchy of Athens*. The People were divided formerly into Ten Tribes, who were denominated from so many of their Heroes: Each Tribe had a Part of *Athens*, with several Boroughs and Villages. Afterwards Three others were joyn'd to the Ten, and had some of the Towns allotted them. Out of each of these, Fifty Persons were chose to make up the Number of the *Prytani*, who were the Judges of *Athens*, and had their Tribunal in the *Prytaneum*.

(1) *Pry-*

The rest fearing his Power, which was grown very formidable, and knowing his Courage and Resolution, chose rather to be persuaded, than forc'd into a Compliance. He then dissolv'd all the distinct Courts of Justice, Council-Halls, and Corporations, and built one *Prytaneum* (1) and Council-Hall, standing to this Day. And out of the old and new City he made one, which he nam'd *Athens*; ordaining a common Feast and Sacrifice to be for ever observ'd, which he call'd *Panathenæa*, or the Sacrifice (2) of all the united *Athenians*. He instituted another Sacrifice for the sake of Strangers, who would come to fix at *Athens*. Then, as he had promis'd,

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mis'd, he laid down his Regal Power, and settled a Common-wealth, having enter'd upon this great Charge not without Advice from the Gods (3). Farther yet designing to enlarge his City, he call'd all Men indifferently by Proclamation in these Words, (*Come hither all ye People*) to enjoy an equal Part of the Common-wealth.

Yet for all this he suffer'd not his State, by the promiscuous Multitude that flow'd in, to be turn'd into Confusion and Anarchy, and left without any Order and Degrees, but was the first who divided the Common-wealth into three distinct Ranks, *viz.* 1. Noblemen; 2. Husbandmen; and, 3. Artificers. To the Nobility he committed the Choice of Magistrates, the Teaching and Dispensing of the Laws, and the Interpretation of all holy and religious Things; the whole City, as to all other Matters, being as it were reduc'd to an Equality: The Nobles excelling the rest in Dignity, the Husbandmen in Profit, and the Artificers in Number. In this manner *Theseus* settled the *Athenian* Government, which continu'd in the same State till the Death of *Codrus* (4), the seventeenth and last King: So that by the Government of *Theseus*, it appeareth that Nobility was gotten by Riches,

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Riches, Knowledge, and Virtue. After the Regal Government was laid aside, the City was govern'd by a double Democracy: One, which consisted in the Power and Government of the richer sort of Citizens (call'd the *Archontes*) (5), and another, which rested in all those in general who were Freemen,

Solon

(1) *Prytaneum*.] Πρυτανεῖον, quasi Πυρραμνῖον, Πυρρῆς enim Σίτθ, Etymol. quòd ibi qui de Republica bene meriti erant publicè alerentur. al. quasi Πυρρῆς ταυνῖον. Suid. Ignis Sacrarium, qui ibi in honorem Veste asservatur.

(2) *Sacrifice*] Call'd *Metonia*, which is yet celebrated on the 16th Day of *Hecatombaon*. (*Pot. Antiq. Greek.*)

(3) *Potter*, p. 12.

(4) *Codrus*] Son of *Melanthus*, began his Reign A. M. 2962. It's said, that being desirous to save his Country, which was beset by the *Heracrides*, who for some time were Masters of *Peloponnesus*, he consulted the Oracle about the Success; and understanding that that Party would be victorious, whose Commander should be kill'd, disguis'd himself, and rush'd into the midst of the Fight, where he was slain in the 21st Year of his Reign, being the 5th of *David's*, according to *Eusebius*, and the 2985 of the World. The *Athenians* put so great a Value on this generous Action, that fearing they should never find so good a Prince, they chose to have their Common-wealth govern'd by Magistrates call'd *Archontes*. *Medon*, Son of *Codrus*, was the first, and govern'd Twenty Years.

(5) A Name the *Athenians* gave to the Nine Magistrates or Governours of their City. The first took the Title of *King*; the 2d that of *Archon*; the 3d of *Polemarque*; and

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and the other Six were call'd *Thesmotheta*. The *King* was the Head of the State, and had Power to assemble all the other. The *Archon* was to take Care, that every Body had Justice done him, especially Widows, and their Pupils; and such Women as were with Child after their Husband's Death. The *Polemarque*, or Generalissimo of the Armies, was Overseer of all Things that belong'd to the War. The *Thesmotheta*, or Law-makers, sat in the Council of State with the other Three. Before *Solon's* time these Magistrates were chosen by Suffrages; but he thought more convenient it should be done by Lot, with this Proviso, that such as were chosen that way, should appear before the Senate, who, upon Enquiry into their Lives and Deportments, were to judge of their Merit, and at last their Sentence was to be approv'd in the General Assembly of the People,

(1) *Solon*.]

Solon (1), (the Discord between the Poor and Rich being appeas'd) after the Slaughter of the *Cylonians*, restor'd to his Country the Democratical or Popular Government; the *Oligarchy*, or Government of some few being quite taken away. He (2) divided the *Athenians* into Four Ranks, according to every Man's Estate; viz. 1. Those who could, of their dry and wet Commodities, fill 500 of their Measures, he plac'd in the first Order or Degree, calling them *πεντακόσιοι μέδωνες* (*Pentacosio Medimnoi*). 2. Those who were of Ability to furnish out a Horse, or could fill 300 of their Measures, he plac'd in the second Rank, and call'd them

ἱππῖδαι

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Ἰππῶδα πλεῦντες (*Hippada telountes*). The third Class consisted of those who could fill 200 of their Measures, which were call'd ζεύγῳ (*Zeugite*). In the fourth, the last, he plac'd all the rest, calling them θῆτες (*Thetæ*). (3) All Publick Offices he appointed to be committed to those who were plac'd in the three first Degrees, who having born Office accordingly, were accounted in the Number of the Nobility; but to the fourth Rank, no publick Office or Magistracy was communicated, tho' they had a Liberty of coming to the Publick Assemblies, and voting therein; and therefore that Rank was altogether base and ignoble.

But

(1) *Solon*] One of the Seven Wise Men of *Greece*, and a Law-giver to the *Athenians* in *Tarquinius Priscus's* Reign in *Rome*, was Son of *Excestides*, and Born at *Athens* in the 35th Olympiad. He was endu'd from his Birth with a great Courage, and a wonderful Understanding, which Advantages gain'd him the Government of his Country. He abrogated the Severe Laws of *Draco* his Predecessor, and enacted others that were more mild and equitable in their stead. He restrain'd the Luxury of his Country-men, abolish'd many of their superstitious Ceremonies, gave them leave to declare whom they pleas'd to be their Heirs, provided they had no Children of their own. He made no Law against the Murderers of their Parents, as supposing it a Thing so unnatural, as to be in a manner impossible. The Island of *Salamina*, where was the Original of his Family, lying convenient for the *Athenians*, who upon Pain of Death had forbid the men-

tioning the Recovery of it from the *Megarensians* that were Masters of it, because of the great Losses they had sustain'd in attempting that Enterprize: *Solon* found no better way to put them safely upon that Work, than by repeating some Verses unto them, of his own making in a drolling way; which so affected the *Athenians*, that they set upon the Island, and took it with greater Success than they could have imagin'd. Sometime after, to shun the Tyranny of *Pisistratus*, he travell'd into *Egypt*, from whence he went afterwards to *Lydia*. There, on a time, *Cresus* ask'd him, Who in the whole World was more happy than he? He answer'd, *Tellus*, who, tho' a poor Man, yet was a good Man, and content with what he had, and never travell'd, but dy'd in a good old Age; for till one be dead, he cannot be said to be happy, as *Cresus* found afterwards true by Experience. *Solon* dy'd at the Age of Eighty. He wrote a Book of Laws, Speeches, Elogies and Iambicks; and 'tis said, he was either the Institutor, or the Enlarger of the *Areopagus* of *Athens*.

(2) *Potter*, p. 14.

(3) *Ibid.* p. 16.

(1) *Ari.*

But after *Solon*, first *Aristides* (1), a Person (as *Plutarch* assures us) of a mean Extraction, and meaner Fortune, being, in Consideration of his Eminent Virtues and Signal Services, preferr'd to the Dignity of an *Archon*, repeal'd *Solon's* Laws, whereby the *εἰσέτες*, or lowest Order of People, were made incapable of bearing any Office in the Government. After him *Pericles* (2), having lessen'd the Power of the *Areopagites* (3), brought in a confus'd Ocklo-
cracy,

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cracy, whereby the Populace and basest of the Rabble obtain'd as great a Share in the Government, as Persons of the highest Birth and Quality.

According

(1) *Aristides*] An *Athenian* Nobleman, Sir-nam'd the Just, was the Son of *Lyfimachus*, whom *Themistocles* envying, banish'd him the Country by an Ostracism (a Penalty inflict'd by the Common-wealth of *Athens*, where, by the Plurality of Voices, they condemn'd to a Ten Years Banishment, those who either were too Rich, or had too great Authority and Credit, for fear they might set up for Tyrants over their Native Country, but without any Confiscation of their Goods or Estates.) *Heraclides* writes, that this Custom was first instituted by the Tyrant *Hippias*, Son of *Pisistratus*, as a Barrier against what he exercis'd himself. The Manner was thus, viz. The People wrote their Names whom they most suspected upon small Pieces of Tiles; these they put into an Urn or Box, which they presented to the Senate. Upon a Scrutiny, he whose Name was found upon the greater Number of the Tiles, was sentenc'd by the Council to be banish'd, *ab Aris & Focis*: A Custom which they at length abus'd, condemning their best and most deserving Citizens; yet was it abolish'd at last, when *Hyperbolus*, a mean and contemptible Man, was proscrib'd, after he had given many Signal Proofs of his Conduct and Probity. But when *Xerxes* came against *Greece*, he was recall'd home to defend his Country, and discharg'd many Offices with great Equity. When he dy'd, all the Money he left was not sufficient to defray his Funeral Charges, which lay upon the States: They also took care to marry his two Daughters, and allow'd his Son a good Maintenance.

(2) *Pericles*] An *Athenian*, a great General, and good Orator, was the Son of *Xantippus* and *Agurista*; and having an Inclination to Learning, was committed to the
Care

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Care of *Zeno* and *Anaxagoras*; under whom he quickly made great Improvement. He was *Thucydides's* Adversary; having govern'd *Athens* gallantly and worthily for 40 Years together; he died of the Plague in the 88th *Olympiad*, about 325 Years before the Building of *Rome*. He join'd the *Pyreus* to the Town with a good Wall, and did so many brave Actions, that he left nine Trophies for Monuments of his Victories.

(3) *Areopagites*, and *Areopagus*, the Senators and Senate-House of *Athens*, standing upon the Top of an Hill of that Name near the City, founded the same Year that *Aaron* was consecrated High-Priest of the *Jews*, viz. A. M. 2545 in the Reign of *Cecrops*. *Areopagus* took its Name from *Apo Mars*, who was the first Person that ever was Indicted there, and accus'd by *Neptune* for killing his Son *Halirrothius*. As for the Judges call'd *Areopagites*, they never heard any Cause but in the Night, that they might discuss Matters with more Sedateness of Mind, or else because they would not be surpriz'd with Objects that might move either their Hatred or Compassion; Before these Judges it was that *St. Paul* was call'd to give an Account of his Doctrine, and at the same Time converted *Dionysius* one of their number.

(1) *Xeno-*

According to *Xenophon* (1) who (in his Book concerning the *Athenian* Common-wealth) sets it down for Right and Reason, that they even of the meaner and poorer sort should indifferently be call'd and admitted to all Preferments in every Part of the Common-wealth, inasmuch as they conduc'd more to the enriching of the City than the Nobility: Even plain Citizens, having well deserved of the Common-wealth, were there-

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Therefore amongst the *Athenians* ennobled; and Nobility once by the Father obtain'd, descended also to his Children.

But the *Athenian* Common-wealth was not so lavish and prodigal in the Communicating of Nobility, as in antient Time the *Roman* was sparing and curious in the bestowing thereof. That we may be furnish'd therefore with greater Variety of Matter of this Kind and Nature, let us take a View of the *Roman* State and Common-wealth,

C H A P.

(1) *Xenophon*, Native of *Athens*, and Son of *Gryllus*, was General, Philosopher, and Historian. He adhered to *Socrates*, and was one of the most famous Disciples this Philosopher had; but at last was forc'd to be a Soldier, and being at the Head of the Troops, he enter'd *Byzantium* (*Constantinople*) which by his Eloquence he hinder'd from being plunder'd. And this was in the 95th *Olympiad*. Afterwards he had the Honour to make that memorable retreat with 10000 *Greeks*, sent to assist *Cyrus* the younger, whereof he hath left us the History. He publish'd and continued that of *Thucydides*, and was the first Philosopher that set about this sort of Work. He writ also *Cyrus* the elder's Institutions, which (according to *Cicero*) were purely Moral, not Historical. From these fine Pieces he had the Sirname of the *Grecian Bee*, and *Athenian Muse*, signifying thereby his fine Language and smooth Stile. As for the Book of Equivocals printed in the last Age under his Name, as also that of *Berosus* and a dozen more, they are well enough known to be spurious, and Father'd upon him by *Annius de Viterbo*. *Plato* and he (as to the rest) had no very good Understanding one with another, attributed (it seems) wholly to an

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an Emulation of Reputation in Point of Learning. After the aforefaid famous Retreat, he follow'd *Agessilaus* into *Asia*, was with him at the Battle of *Coronea*, whence he retir'd to *Scyllus* belonging to the *Lacedemonians*, being banish'd *Athens* for fiding with *Cyrus*; there he liv'd and studied Philosophy, composing feveral Treatifes of Morals, &c. until the *Lacedemonians* were fubdu'd by *Epaminondas*. Then he withdrew to *Corinth*, where he died, aged 90 Years, in the 105 *Olympiad*. This Name hath been common to feveral other Authors.

(1) *Ro*

C H A P. IV.

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ROMULUS (1) to draw Strength to the City of *Rome*, but lately before by him built, ordain'd an *Afyum* or Sanctuary to all poor and bafe People; who by Flocks reforted thither from all the Neighbouring Parts, gave the firft Encrease to fo great a City. This Rabble or mix'd Multitude of People, which by *Juvenal* (2), the Satyrical Poet, is in thefe Verfes noted, viz.

*Et tamen ut longè repetas, longèque revolvas
Nomen ab infami Gentem deducis Afylo :
Majorum primus quisquis fuit ille tuorum,
Aut Pastor fuit, aut illud quod dicere nolo.*

(Sat. 8.)

He

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He first divided (3) into three Tribes, each Tribe into ten *Curia*, and each *Curia* into ten *Decuria* (4), over which were appointed distinct Officers. According to the number of the *Curia*, the Lands were divided into thirty Parts, reserving one Part for Publick Uses, and another for Religious Ceremonies. In all Matters of Importance for many Years the People voted according to the *Curia* ; and what the major Part of the *Curia* agreed to, was reckon'd the Resolution of the whole Assembly, each single Man having a Vote : And hence arose the *Comitia Curiata*. He made also another Division of the People according to their Honour and Dignity, *viz.* into Patricians and Plebeians ; the former, as being Elder and more nobly descended, had the Care of Religious Rites, bore Offices of Magistracy, administred Justice, and were Assistants to the King in the Government. The latter tilled the Ground, fed the Cattle, followed Trades, and the like, but had not the least Share in the Government, for fear of the Inconveniences of a Popular State. The *Patricij* also were call'd *Patrons*, as having certain of the *Plebei* recommended to their Protection ; (which was done to bind the Principal each to the other, and was an Obligation as effectual as any

Con-

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Consanguinity or Alliance whatsoever) and the *Plebeij* thus recommended to their Care, were call'd Clients ; of whom to have a great number, and to treat them civilly, it was the Glory of the Nobility.

After

(1) *Romulus* *dim. a Romus, quod a Gr. ῥῶμος valens* Salm. *Al. a ruma, i. e. Mamilla. Fest.* the Son of *Mars* by *Ilia*, the Nephew of *Numitor*, the Brother of *Remus*, born with him at one Birth. *Numitor* had a Brother call'd *Amulius*. He was not content to have his elder Brother *Numitor's* Kingdom from him, but slew his Son *Lausus*; and to take away all Hope from his Posterity to enjoy his Kingdom, he made *Ilia*, his Brother's Daughter, a vestal Virgin ; whom afterwards *Mars* got with Child ; and she brought forth two Twins. *Amulius* buried *Ilia* quick, and caus'd the Boys to be thrown into the *Tyber*. The Messenger laid them in the muddy, rushy Bank, in which Place they were found by the Shepherd *Faustulus*, who deliver'd them to his Wife, *Acca Laurentia*, to bring up, who, because she was a common Harlot, was call'd vulgarly *Lupa* ; yet the Poets generally say that they were suckled by a She-Wolf : When they came to Age, and were told whose Sons they were, they slew *Amulius*, and restor'd *Numitor* to his Kingdom. And not long after (with the Help of Shepherds) they built a new City, call'd *Rome*, on Mount *Palatin* ; from which Building the *Romans* took their Epocha or Beginning of Computation, intitul'd, *Ann. Urb. Cond.* which began A. M. 3198. *Romulus* died after he had reigned 58 Years. Tho' this Prince's Genealogy has been uncontested by the generality of Authors for near 2500 Years, yet *Gronovius* presumes to contradict all this Authority. He pretends, that one *Diocles*, a *Greek* was the first who invented the Fable of the Wolf suckling *Romulus* and *Remus*, when order'd by *Amulius* to be destroy'd. He also rejects the Story of *Mars's* being their Father, and *Rhea Sylvia* their Mother ; and

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and lays it down as a Thing certain, that *Romulus* was no *Italian* born, but that he came out of a foreign Country. This Assertion he endeavours to prove by observing, that no People of *Italy* would furnish the first Inhabitants of *Rome* with Wives. Now, says he, 'tis not at all probable if *Romulus* had been own'd *Numitor's* Grandson, had expell'd the Usurper *Amulius*, and restor'd his Grand-Father; had all this been true, 'tis not at all probable, that the *Albans* should have refus'd to make an Alliance with him, or to intermarry with his Colony: But *Romulus*, according to the Current of History, apply'd himself to the *Sabines*, and made use of a Stratagem; which looks as if he were at a loss elsewhere. Farther some Authors will have *Romulus* to be a *Greek* by Birth, grounding their Conjecture upon his Name: Thus *Salmasius* fancy'd the Word *Romulus* a Diminutive of *ῥῶμος*, which in the *Æolick* Dialect signifies Strength. In fine *Gronovius* is of Opinion, that *Romulus* was a *Syrian*, because *Josephus* and *Nicephorus* translate the Name by ἱσρ' ῥωμῆλῖς, the Son of *Romelia*, mention'd in the *Apocrypha*. *Daniel*. (*Colliers Great Hist. &c. Dict.*)

(2) *Juvenal*, (*Decius Junius*) was born at *Aquinum*, a City in *Italy*, tho' suppos'd by some to have been Originally of *Gaul*. He liv'd in the first Century. His three Names induce a Belief that he was of a considerable Birth, so many not being allow'd to any of a servile or mean Extraction, tho' the current Opinion is, that he was the Son of a Slave enfranchis'd, or educated by such an one: He was but young when he first came to *Rome*; and having declaim'd half his Life; he afterwards applied himself to Satyrizing, which got him great Fame; but at last, for some satyrical Reflections, which he had levell'd at *Paris*, *Nero's* Comedian and Jester, he was sent to command some Forces at *Pentapolis*, upon the Frontiers of *Egypt*, and *Libya*. 'Tis thought he liv'd till the 12th Year of *Adrian's* Empire.

(3) *Eachard's Roman History, Vol. I. Edit. VI. Chap. I. Page VIII.*

(4) *Page IX.*

(1) *Eachard*

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After this (1) *Romulus* chose a hundred Men out of the *Patricij* to assist him in the Government. This number he call'd a Senate, either from their Age or Virtue, or *à Sinendo*, because nothing was transacted without their Permission. But afterwards (2) the *Sabines* being ingrafted into the Common-wealth, and both Nations united into one, he chose another hundred out of the most Noble of the *Sabines*, and added them to the Senate, which now consisted of 200 Persons. *Tarquinius Priscus* (3) (or as some others would rather have it, *Brutus*) (4) added to them another 100 chosen out of the *Plebeij*, which made up the number of the Senate 300. And as those of *Romulus's* Creation were call'd *Patres Conscripti*, these were call'd *Patres minorum Gentium*, or Senators of the meaner sort of the People. *Valerius Poplicola* (5) after the Kings were driven out, chose 164 of the Order of Gentlemen, to fill up the Places of so many Senators slain by *Tarquinius Superbus* (6), who were call'd *Adlecti*, or Men chosen. For after the Dissolution of the Regal State, such as he saw to be wise, aged, and of approved honesty, he enrolled into the Senate, as into the most grave and reverend Council.

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(1) Eachard. *lib. 1. cap. 1. pag. 10.*

(2) P. 14.

(3) R. 35. C. 5. *Tarquinius Priscus*, the first of this name, call'd *Priscus*, or the antient King of the *Romans*, on to one *Damaratus* of *Corinth*, who came to live in *Tuscany*. After his Father's Death he came to *Rome*, and by his Policy obtain'd the Throne after *Ancus Martius* in 130. He instituted the Plays of the *Circus*, subdu'd different sorts of *Tuscan* People, increas'd the Senate, did the first Foundation of the *Capitol*, and undertook several considerable publick Works. It is said that he invented the Custom of tying Bunches of Rods round the Magistrates Axes, the Robes of Kings and Sooth-sayers, the Senators Ivory-Chair, with the Rings and Ornaments of Knights and Children of noble Families. He was kill'd by his Predecessor's Children the 80th Year of his Age, and 38th of his Reign, in 177 of *Rome*, and *Servius Tullius* was put in his Place.

(4) *Brutus* (*Lucius Junius*) Son to *Junius*, who married the Daughter of *Tarquinius Priscus*, King of *Rome*. He was call'd *Brutus*, because he counterfeited the Fool, to avoid the Fury of *Tarquinius Superbus*, his Uncle, who put his Father and Brother *Marcus Junius* to Death. The Rape that *Sextus* the eldest of the Sons of *Tarquinius Superbus* committed upon *Lucretia* a *Roman* Lady, Daughter of *Lucretius*, and Wife of *Collatinus*, in 245 of *Rome*, occasion'd *Brutus* to persuade the *Romans* to take up Arms, and banish the Kings from *Rome*; which was accordingly effected, and *Brutus* declar'd Consul with *L. Tarquinius Collatinus*. Ann. 245, in the 66th *Olympiad*, and about 69 before the Christian *Era*. He discharg'd this Office with such Zeal for the Good of the new Common-wealth, that having discover'd a Conspiracy, form'd by his two Sons with the young Men of *Rome* to restore the *Tarquins*, he caus'd them to be brought to the Publick Place, where they were first Scourg'd and then Beheaded. After that, he singled out one of *Tarquin's* Sons in a Battle, and fought so desperately that both of them were kill'd.

F

(5) *Valerius*

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(5) *Valerius Poplicola*, a Roman Consul, who with *Brutus* triumph'd over the *Veij* and *Volsci*, and was call'd *Poplicola*, because he was altogether Popular. For being suspected of designing upon the Publick Liberty, because he was building an House upon one of the Mountains in Form of a Fortrefs, he presently ras'd it down, and built in the Plain. He was 4 times Consul, yet died so Poor, that People were forc'd to beg Money for his Burial.

(6) *Tarquinius Superbus*, who by reason of his insupportable Haughtiness was call'd *Superbus*, the Proud, murder'd *Servius Tullius* his Wife, *Tullia's* Father, and usurp'd the Throne. He is accus'd of being the first that us'd Prisons, Banishments, and Torments at *Rome*, where he behav'd himself towards the Subjects with intolerable Severity, sparing neither Nobles nor Senators. He built a Temple that was common to all the *Latins*, and finish'd the Capitol with the Spoils of the Enemy. The *Romans* unable to bear with his Tyranny, and his Childrens Licentiousness, took Occasion to Banish him from the Throne on the Violence which his Son *Sextus* us'd to *Lucretia*, in the 245th of *Rome*, while he was at the Siege of *Ardee*. This King, who had govern'd 24 Years, did all he could to remount the Throne, employing the Arms of *Porfenna*, and his other Neighbours, but to no purpose, for the *Romans* had always the better.

The first Foundations of the Roman Commonwealth being thus laid, the Citizens of *Rome*, descended of the Stock of Senators (who before had borne the chief and greatest Honours) were by the Dictators (1), Censors (2), or Triumvirs (3) created Senators, and afterwards also of the Order of Gentlemen or Knights (which was *Ordo Equestris*) were call'd into the Senate.

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So that it is not to be doubted, but that those who were of the Orders of the *Patricij* and Senators were ennobled thereby. But concerning the Order of the Gentlemen or Knights, or the Equestrian Order, some there be who make question, and think that the *Roman* Gentlemen or Knights held the middle Place betwixt the *Patricij* (or those who were descended from Senators) and the *Plebeij* or common People: For *Tacitus* (4) calleth them *Illustres*, or Men of Note. *Martial* (5) also calleth the Order of Gentlemen or Knights, the lesser Order; and the Order of Senators, and of those who were descended of Senators the greatest Order.

But

(1) Dictator] à dictando, quod dictaret que utilia essent Reipublicæ, was a chief Officer or supream Magistrate among the *Romans*, nam'd commonly by the Consuls in imminent Danger. *T. Laertius Flavius*, Consul, having appeas'd a Sedition in 256 of *Rome*, was first chosen Dictator. This Magistrate was but for six Months, tho' *Sylla* and *Julius Cesar* caus'd themselves to be declar'd perpetual Dictators, against all Law. The difference between the Dictator and the Consul was, viz. That the Consuls had only twelve Axes carried before them, and the Dictators twenty-four. And the Consuls could not execute many Things without the Senates Authority, but the Dictator was invested with an absolute Power, over Life and Death, in Peace and War, after whose Election all the other Magistrates (the *Tribunes* of the People excepted) had no more Power. When *Q. Fabius Maximus* was Dictator, another was join'd with him, a thing never

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heard of before. A Dictator was also an Ordinary Office in most *Latin Towns*. (*Spart.*)

(2) *Censors*] *Censor à censendo; scilicet, ad cuius censionem, i. e. Arbitrium, censeretur Populus (Var.) Patrimoniorum iudex, à censu eris (Fest.) Magister morum & Censûs*; A Magistrate in *Rome*, of which there were two chosen together, the one of a *Patrician*, and the other of a *Plebeian* Family; whose Office was chiefly to take Account of Families, and set down the Number and Quality of Persons, and to rate Mens Estates, that accordingly every Man might be tax'd and levied for the Wars, which they did every 5th Year. As also to censure ill Manners, and punish Misdemeanours; they might *Senatu & Tribu movere*, turn out of the Senate, Degrade the Knights, and put from a more honourable Tribe to a lower, and utterly disfranchise meaner Citizens. The first of these Magistrates were chosen in the 311th of *Rome*, because then the Senate observ'd, that the Consuls Time was generally taken up in Military Actions, and could not so well attend Private Affairs.

(3) *Triumvirs.*] Magistrates that govern'd the Commonwealth of *Rome* for ten Years, from the Year 710 of that City to 720. These were *Octavius*, since call'd *Augustus*, *Anthony*, and *Lepidus*; but in 716, *Octavius* separated himself from *Lepidus*, and made War against him, then turn'd his Arms against *Anthony*, and having overcome him, remain'd Master of *Rome*, and of the Commonwealth.

(4) *Tacitus*] *Caius Cornelius*) a *Roman* Historian, who flourish'd in the first Century. There is nothing known concerning his Ancestors; and the Dignity of his Family did probably begin with his Person: The first Employment he had, was, as 'tis said, that of Procurator to *Vespasian* in *Gallia Belgica*. At his return to *Rome*, the Emperour *Titus* conferr'd upon him a more honourable Degree. He was Prator under *Domitian* in the Year 841 of *Rome*, according to *Lipsius*, or 840 according to *Calvisius*, and Consul under *Nerva*, in the place of *Virginus Rufus*, who died in his 3d Consulship, in the Year of

Rome

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Rome 849, or 850, whom he honour'd with a Funeral Oration. All which Dignities gain'd him but small Glory, in Comparison with that, which he obtain'd by the Performances of his Pen. His History and Annals are admirable. We have now but five Books of his History left, which is but a very small Part of it, containing not above a Year and a half, when the whole Work was to contain about 29 Years. The Annals are a separate Work, compos'd by the Author after the Completion of his History, beginning them at the Death of *Augustus*, and continuing them to that of *Nero*. There is but one Part of them left, viz. The four first Books, some Pages of the 5th, and all the 6th, and from the 9th to the 15th, and part of the 16th, the two last Years of *Nero*, and part of the foregoing Year are wanting. These were the last Books of the Work. The five first Books were found in *Germany*, by a Receiver of *Leo* the 10th, who carrying them to the *Pope*, receiv'd at his Hands a Gratification of 500 Crowns. Such esteem had many Princes for his Works, that they wore him out with much reading of him. Besides his History and Annals, he compos'd a Treatise *De moribus Germanorum*, and a Book of the Life of his Father-in-law *Agricola*. 'Tis believ'd, that he began not to write till pretty far advanc'd in Years, and under the Empire of *Trajan*, as he himself remarks. As to his Nativity, he must have been born the last Year of the Emperor *Claudius*, or rather the first Year of *Nero*, according to *Lipsius's* Calculation. There is no ground to believe that *Domitian* banish'd him, as some assert; nor is it certain at what Age he died.

(5) *Martialis*] *Marcus Valerius*] a Latin Poet, born at *Bilbilis*, now call'd *Bubiera*, a Town in the antient *Celtiberia* in *Spain*, which is the Kingdom of *Aragon*. It is situated upon the River *Salo*, or *Xalo*, that falls into the *Ebro* above *Saragossa*. His Father was call'd *Fronto*, and his Mother *Flacilla*, as he owns himself in the 39th Epigram of the 5th Book. He came to *Rome* when but 21 Years old, where he lived 25 Years under the Emperors *Galba*, *Otho*, *Vitellius*, *Vespasianus*, *Titus*, *Domitianus*, *Nerva* and *Trajanus*. He was a Favourite of *Titus Vespasianus* and *Domitian* his Brother; the latter

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of whom gave him the *Jus Trium Liberorum*, and made him a Gentleman. We are induc'd to believe that he left *Rome*, after the first and second Year of *Trajan* being flighted by him, and return'd into his own Country, where he died five or six Years after. We have 14 Books of his Epigrams, and perhaps not all he writ. (*Pliny* the younger, in *lib. 3. Ep. ult.*) maketh an honourable mention of him,

(1) Vol.

But to give a little more Light into this Equestrian Order, take what follows out of *Eachard's Roman History* (1). These *Equites* were first instituted by *Romulus*, and tho' they were Originally in the Common-wealth, yet had they no particular Authority, Rank or Order, till this Law of *Gracchus* (2), whereby it was enacted, that those Judgments (speaking a little before of transferring the Power of judging corrupt Officers from the Senators to the *Equites* or Gentlemen or Knights) should be peculiar to them. So that whereas at first there were only two Orders or Ranks, viz. *Patrician* and *Plebeian* (which through Incroachment of the People were afterwards distinguish'd only into *Senatorian* and *Plebeian*) so by this Law, and especially by the Procurement of *Cicero*, the *Equites* afterwards became a distinct Order. And thus now the *Roman* Citizens consisted of three Ranks or Orders; viz. I, The *Senatorian*, which

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which included all the *Patricij*, and such of the *Plebeij* as could rise to be Senators. 2. The *Plebeian*, which still continu'd the same as formerly. And, 3. The *Equestrian*, which before had always been included in the *Plebeian*, and had been distinguish'd only.

Many

(1) *Vol. I. Lib. II. Cap. XII. p. 242, 243.*

Gracchus] (*Titus Sempronius*) Of the *Sempronian* Family in *Rome*, twice Consul, once Censor, and twice Triumph'd. When Prætor, he subdu'd *Gallia*. The first time he was Consul, being sent into *Spain*, he reduc'd the *Celtiberians*, and took their City *Ilurcis*, and splendidly repair'd it, that it might be a Memorial of his Achievements, calling the Name of it *Graccharis*. The 2d time he was Consul, he utterly subdu'd *Sardigni*, and brought away such a vast Number of Slaves, that the long continuance of the Sale occasion'd the Proverb *Sardive-nales*. His Wife was *Cornelia* a *Roman* Lady, Daughter of *Scipio Africanus*, eminent for her Chastity and Learning; by whom he had two Sons, *Tiberius* and *Caius*, who, being over-fondly covetous of Popular Applause, dy'd unfortunately. *Tiberius* was kill'd first, as he was Haranguing to the People, by *Publius Nasica*; and *Caius* two Years after, that was slain by the Order of the Consul *Olympius*.

(1) *Pliny*]

Many are of Opinion, that Nobility was given among the *Romans*, by bestowing upon them Rings of Gold; and most certain it is,

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that such a Gift of Rings, as transferr'd the State and Condition of a Free-born Man to those to whom they were so given, was common amongst them, without which Free Estate no *Roman* was deem'd capable of Nobility: But when the Use of Rings of Gold began in *Rome*, it is not manifest. *Pliny* (1) writeth, that it had been for a long time the Badge or Cognizance of those, who were about to go Ambassadors to foreign Nations, and that the rest of the Senators were without them: Nor was it the Manner and Fashion for any other to use them, than such as had for that Cause publicly receiv'd them. And such Gold Rings they us'd only abroad, and Iron Rings at home in their Houses.

But

(1) *Pliny*] (*C. Secundus*) Sir-nam'd the Elder, born at *Verona*, liv'd in the first Age, *Temp. Vespasiani & Titi*. His Merit gain'd him the Favour of both these Princes, who employ'd him on several Occasions; but he found time to compose his *Natural History*, which contains 37 Books. He writ, besides *The History of Nero*, *The Life of Pomponius Secundus*, *The Wars of Germany*, and other Things, which are lost. The Eruption of Mount *Vesuvius* was fatal to him; for approaching too near to observe it, he was suffocated with the Smoak and Flames. The best Edition of *Pliny* was publish'd by *F. Hardouin* at *Paris*, in 5 Vol. 4to, 1685: This *Pliny* concerns us. There was another *Pliny C. Cecilius Secundus*, Sir-nam'd the Young, of *Como*, Nephew to ours, and adopted by him for

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for his Son, as he himself testifieth. He liv'd *Temp. Trajan*, in 106, and was *Quintilian's* Disciple. He was rais'd by the Emperor (for his Merit) to the highest Charges. Whilst Consul, he pronounc'd in the Senate the Panegyrick upon *Trajan*, which is esteem'd his Master-piece. His Epistles also are very witty and polite, contain'd in 10 Books; *The Lives of Illustrious Men* are moreover attributed to *Pliny*.

(1) *Titus*

But afterwards the Custom of wearing Gold Rings began to be us'd by all the Nobility, as *Titus Livius* (1) (Prince of the *Roman* Historians) writeth in his Ninth Book in these Words, viz. ' That the Senate burnt with such Rage ' and Disdain because *Cneius Flavius* (2), a late ' Freed-man, was made *Ædilis* (3), that many ' of the Nobility thereupon laid aside their ' Gold Rings, and the Trappings of their Hor- ' ses;' wherein *Pliny* witnesseth many to be de- ceiv'd, who think those of the Order of Gen- tlemen to have then done the same. For that (saith he) is also added; but the Trappings were also laid aside, for which the Name of Gentleman is put too. It is also recorded in the *Annals*, that Rings were then laid aside by the Nobility, but not by the whole Senate in general; whereby it is manifest, that the Gen- tlemen then had no right to wear Rings, and that

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that it belong'd to the Nobility only, *i. e.* to the *Patricij* and the Senators, altho' they were not themselves *Patricij*, *i. e.* descended of Senators, because the Dignity of a Senator gave beginning to Nobility.

But

(1) *Titus Livius*] A Latin Historian, Native of *Padua*. He came to *Rome*, where by his Merit he soon gain'd great Friends, whereof *Augustus* was one: By this Prince's Favour he was help'd to faithful Memoirs for the compofure of his History, whereof he wrote part at *Rome*, and the rest at *Naples*, whither he retir'd to work sometimes with less Interruption; and after *Augustus's* Death he return'd to his Birth-place, where he dy'd in the fourth Year of *Tiberius's* Reign, the very same Day that *Ovid* dy'd (as *Eusebius* observ'd). His History, which began with the Foundation of *Rome*, ended with the Death of *Drusus* in *Germany*: It was not then divided into Decades, but into 140 Books, whereof we have but 45; nor do these follow in order neither: We want the second Decade, and we have but the first, third, fourth, and one half of the fifth, found at *Worms* by *Simon Gryneus*; and since that time, the Beginning of the 43d Book was found amongst the Manuscripts of the Library of *Cambray*.

(2) *Cneius vel Cneus*] Dict. a *Navo* (*prepositā C. li- terā*) *φάκς γενώτε*, *i. e.* *lens faciei*; vel potius *ὑπερ- νωας*, *i. e.* *aliquod super carnem excrefcens*, ita usus *Gell.* à *natu*, qu. *nativus*, vel à *Geno*, qu. *Gnavus*, quod sit *genitiva vel nativa macula, qua insit ab ipso ortu.* qu. *γενῆ* à *γενέ*. *Cneus corporis insigne* & *prænomen à generando dicta esse*, & ea ipsa ex *Gr. γένε*; a Roman Sir-name, given to such as were born with a particular Mark upon them.

(2) *Ædiles*] Were at first call'd Ministers and Assi-
stants of the Tribunes, but afterwards *ab Ædibus curan-*
dis,

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dis, one part of their Office being to take care of the Publick Buildings, Aqueducts, and Common Sewers, especially the Temple of *Ceres*, where all the *Plebiscita*, or Ordinances of the Commons, were kept, of which they had an Over-sight, &c. (Eachard's Roman History, Vol. I. Lib. II. Cap. III. p. 85, 86.

(1) *Augustus*

But when Judicial Causes were translated from the Senate to the Gentlemen, the Use of Rings also pass'd together to them all, which was not then so much the Cognizance of Gentlemen, as it was of Judges; and yet not of all of them, but of those who were of the greatest Dignity and Honour. Rings (saith *Pliny*) divided the other Order from the vulgar People, as soon as they began to be Men of Note and Fame, and afterwards. But Rings verily plac'd a middle and third Order or Degree of Men, betwixt the Common People, and the Senators or Fathers; and that Name which *Horses* of Service before gave to Men, the Judges now give to Money: Nor was that long ago done; for *Augustus* (1) the Emperor disposing of the Courts, the major Part of the Judges wore Iron Rings, and were not call'd *Equites* (or Gentlemen) but *Judices* (or Judges) the Names of *Equites* (or Gentlemen) resting in the Troops of publick *Horses*. But afterwards, in the 9th Year

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Year of the Reign of *Tiberius* (2), when the Order of Gentlemen was come into an Union (for so he termeth it) such Care was taken for the Credit of wearing of Rings, as that they should be common to all Gentlemen. And at length (saith he) when *Caius Sulpitius Galba* (3), going about to gain the Credit of a youthful good Name with his Prince (by the Fines of Taverns and Victualling-Houses) had complain'd in the Senate, that even Chapmen and Pedlars were defended from the Penalties of such their Misdemeanours by the wearing of Rings; it was for this Cause by the Senate decreed, that it should not be lawful for any Man to wear a Ring, but him, who being Free-born both by his Father and Grand-Father, by the Father's side, was valu'd at 400000 Sesterces (4); and by the Law *Fulvia*, concerning the Theatre, to such as had a Place, and sate in one of the fourteen Orders or Degrees.

Hence

(1) *Augustus*] *Dictus ad Augurio, vel ab Augendo*, the 2d Emperor of *Rome*, Son to *Octavius*, a Senator, by his 2d Wife *Accia*, a Roman Lady, Daughter to *M. Accius Balbus*, who had been Prætor, and Nephew to *Julius Cesar*, was born *An. Rom.* 691, *Cicero* and *Antoni* being Consuls. When his Father dy'd, he was but Four Years old, and at Twelve he made his Grand-Mother *Julia's* Funeral Oration. At Twenty (at which time his Mother

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Mother dy'd) he was made Consul, and *Julius's* Heir. He quell'd Five Civil Wars; in the last of which he overthrew *Mark Antony* at *Actium*, *An. U. C. 721*, having before defeated *Brutus* and *Cassius* at *Philippi* in 712, *Lucius Antonius* at *Perugia* in 714, and the younger *Pompey* at Sea in 718. He shut up the Temple of *Janus* Three times, offer'd twice to restore the Supreme Power to the Senate, was a severe Administrator of Justice, made excellent Laws, was Thirteen times Consul, and after he had settled a firm and well-grounded Peace, he died at *Nola* (Fourteen Miles from *Naples*) Fourteen Years after the Birth of Christ, in the 57th of his Reign, and 76th of his Age.

(2) *Tiberius*] *Sic dictus quia ad Tiberim natus*, was son of *Tiberius Nero* and *Livia Drusilla*, whom *Augustus* marry'd. Authors characterize him as a dangerous, cruel, and mistrustful Prince, as infamous for his Voluptuousness as for his Cruelty. He was rais'd to the Empire, more by the Artifices of his Mother *Livia*, than the Choice of *Augustus*, who never approv'd his wild Inclinations, nor his lewd and debauch'd Course of Life. He began his Reign after the Emperor's Death, about the 19th of *August*, *A. C. 14*. His Death is variously related: But be it how it will, it's certain he dy'd a violent one, being 78 Years old, whereof he reign'd 22, and near 6 Months. In the 20th Year of his Reign Christ was crucified.

(3) *Caius Sulpitius Galba*] (*Galba, cur dict. nonnulli, quod praeinguis fuerit visus, quem Galbam Galli vocent; (Germ. Ralb. i. e. vitulum) vel contra, quod tam exilis, quam sunt animalia, quae in esculis nascuntur, appellanturque Galba (Suet.) Galbe etiamnum Gallis signif. anteriorem Thoracis sive Diploidis partem, quae caligas retinet, gossypio refertam & Abdomen pra se ferentem*) of an Antient and Noble Roman Family, but no way of Kin to the *Cæsars*, was one of the Roman Emperors next after *Nero*. He obtain'd the Empire with more Favour and Authority than he manag'd it; for he so entirely gave himself up to be govern'd by Three Favourites, *T. Vinus*, *Cornelius Laco*, and his enfranchiz'd Bondman *Icelus*,
Persons

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Persons that ruin'd the Publick-weal with various Sorts of Vices, that he was never himself. Sometimes more severe and cruel, sometimes more remiss, than became an elected Prince, and a Man of his Age. He was murther'd by his own Soldiers in the 73d Year of his Age, and 7th Month of his Reign.

(4) *Sestertium mille*] In our Coin 7*l.* 16*s.* 3*d.* So that the Value of a Roman Knight's Estate was 3125*l.*

(1) *History*

Hence it came to pass, that they seem'd to be of the Order of Gentlemen, who wore Gold Rings, since it was not lawful for any so to do, but such as had a Gentleman's Substance. *Ass-mole* (1) tells us in these Words: At length Freed-men being created Knights (and *Eques* and *Miles*, Mr. *Selden* (2) saith in his *Titles of Honour*, were equivocal, and signify'd both in the Foedal Laws of the Empire a Gentleman, as the Word Gentleman is signify'd by *Nobilis*) the *Jus Annulorum*, the Right of wearing Gold Rings became promiscuous: And therefore *Suetonius* (3) writeth, that *Julius Caesar* (4), when in exhorting of his Soldiers, he often shew'd the Finger of his Left-hand, and said, *That he could willingly, for their sakes, be content to pluck off his own Ring*, was thought in so doing covertly to have promis'd to every one of them the Right of wearing a Gold Ring, and the

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the Substance of a Gentleman. But after that it was permitted to all Gentlemen indifferently to wear them; that Mark (saith *Pliny*) began to be indifferently of all Men desir'd: For before, Gentlemen and Judges were known by their Iron Rings: But at length, whilst the Order of Gentlemen was separated from the Free-born Men, the wearing of Rings was allow'd to those who were Bond-men and of Servile Condition, *i. e.* to such as were of Bond-men and Slaves become Free. However, this Right of wearing Gold Rings was not wont in antient Times to be given to any other, but such as had behav'd themselves manfully and valiantly in the Wars: Nor was the Right of wearing a Gold Ring ever given to such as were of Bond-men made Free, unless they were also declar'd Free-men born; which was in antient Time a Privilege not to be granted but by the Prince. And it was always, in antient Time, accounted a greater Matter to be a Free-man born, than to be rewarded with the Right of wearing a Gold Ring; for that sheweth us, even from our Birth, to be Free-men born; whereas this Right of wearing of a Gold Ring either indeed blotteth out, or, as much as it can, washeth away the Stains of Servitude; yet so, as that
the

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the Sight thereof for ever remaineth. But the creating or restoring a Man to Gentility, approacheth nearer to Nature, which brings along with it all the Commodities and Advantages of Natural Nobility; and to restore again Men Banish'd, or cast into Exile, to their former Estate and Place, belong'd only to the Prince: Who being so restor'd to their Blood or Birth-right, were not only ingrafted into the Number of the Citizens of *Rome*, but also inroll'd among the *Quirites* (5), that so they might be Partakers of all the Honours and Offices of the Common-wealth; and therefore *Pliny* calleth it *Jus Quiritum*, i. e. the Right and Privilege of the *Quirites*.

There

(1) *History of the Garter*, 8vo. Edit. p. 10. Sect. 7.

Albmole (*Elias*) was born at *Litchfield* in *Staffordshire*, in the 17th Century; a considerable Master in Polite Literature, viz. Heraldry, Antiquities, Chymistry, Natural Philosophy, &c. By these Accomplishments he was first made *Windsor-Herald*, supervis'd and order'd the King's Cabinet of Coins, and catalogu'd those of the University of *Oxford*; which University, without his Knowledge or Application, sent him a Diploma for his Doctor's Degree in the Faculty of Physick. The Inns of Court also made him Barrister at Law; to which may be added, his being made Comptroller (by King *Charles* the Second) of all the Excise in *England*. To him was the University of *Oxford* beholden for the best History of Nature, Arts, and Antiquities, the whole World ever afforded, not Printed or

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Engraven, but Real. This noble Collection of Rari-
ties is repositd in the New *Museum* lately erected, and
in Memory of so Noble a Benefaction, call'd *Museum*
Asmoleanum. He is the Author of several Books, par-
ticularly *The History of the Order of the Garter*, in a
large Folio.

(2) *Selden* [*John*] Call'd by *Grotius* the Glory of the
English Nation, was born Dec. 16. 1584, at *Salvington* in
Sussex, near *Terring*. His Father was a substantial Yeo-
man, and his Mother Daughter to *Thomas Baker* of *Rush-*
ington, extractd from the Worshipful Family of the *Ba-*
kers in *Kent*. From *Chichester* Free-School he went to
Mart-Hall, in *Oxford*, at *Michaelmas*, 1600, where ha-
ving studied Philosophy about Three Years, he came to
the *Inner-Temple* and studied Law, where he made such
Progress, not only in that, but in all other Parts of
Learning, that he got an universal Reputation, and was
commonly call'd, The Great Dictator of Learning of the
English Nation. To sum up his Character, he was a
great Linguist, Philologist, Divine, Lawyer, Antiquary,
Statesman, &c. He writ several Things of Oratory and
Poetry. In 1618 he publish'd *The History of Tythes*,
since reprinted in 1680 at *London*, 4to. The first Time
he serv'd in Parliament was for *Lancaster*, in 1623, next for
Bednis in *Wilts*, in 1625, and afterwards in most of King
Charles's Parliaments, where he was mostly opposit to
the Court; and in the Parliament of 1628, he was impris-
on'd for Freedom of Speech. He serv'd also in the Par-
liament which began Nov. 1640. Accepted a Commission
from them, took the Covenant, and sat in the Assembly
of Divines in Nov. 1643. He was made chief Keeper of
the Records of the Tower, and in 1645 a Commissioner
of the Admiralty. In Nov. 1646, the Parliament voted
him 5000 *l.* as a Compensation for what he had lost by
his Freedom in that of 1628. He had a Choice Collection
of Books and Manuscripts: It was believ'd to be one of
the curiousest in *Europe*, and valu'd at several Thousands
of Pounds. His Executors, whereof Sir *Matthew Hales*
Knight, sometimes Chief Justice of the *King's Bench*, was
One, resolv'd, out of regard to the Honour of their dead
friend, and their Love of the Publick, to keep this fine

G

Library

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Library entire, and gave it to the University of Oxford, where a noble Room was added to the former Library for its Reception; and all due Respects have been since shew'd by that great and learned Body to those their worthy Benefactors, who not only parted so generously with this great Treasure, but were a little put to it how to oblige them, without crossing the Will of their dear Friend. Mr. *Selden* had once intended to give his Library to that University, and had left it so by his Will; but having Occasion for a Manuscript, which belonged to their Library, they ask'd of him a Bond of 1000*l.* for its Restitution: This he took so ill at their Hands, that he struck out that Part of his Will by which he had given them his Library, and with some Passion (and indeed there was Cause enough of Resentment at such an Affront) declar'd, They should never have it. The Executors stuck at this a little; but having consider'd better of it, came to this Resolution, That they were to be the Executors of Mr. *Selden's* Will, and not of his Passion: so they made good what he had intended in cold Blood, and pass'd over what his Passion had suggested to him.

His chief Works are, (*viz.*)

1. *Original of a Duel.*
2. *Titles of Honour*, reprinted in 1671, much valued by Gentlemen.
3. *Jani Anglorum Facies altera*; English'd with Notes in 1683, Fol.
4. A Book call'd *Eutychius*, alledging, that Bishops differ'd from Presbyters only in Degree, and not in Order.
5. *A Discourse concerning the Rights and Privileges of the Subjects, in a Conference at a Committee of both Houses*, 4to.
6. *A Brief Discourse of the Places of Peers and Common of Parliament in Point of Judicature*, in 2 Sheets.
7. *Privileges of the Baronage of England when they sit in Parliament*, 8vo.
8. *Office of Lord Chancellor of England.*
9. *The History of Tythes*, before-mention'd (an admirable Thing) and many others.

(3) *Suetonius*

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(3) *Suetonius (C. Tranquillus)* the Historian, was the son of *Suetonius Lenis* Tribune, Commander or Brigadier of the third Legion under *Otho*. He was in good esteem under *Trajan* and *Adrian*, and was Secretary of State to the latter of these : Some say this Employment was taken from him, by being thought too intimate with the Empress *Sabina*, which Disgrace mov'd him to write something that might be of Publick Use ; and therefore he compos'd the Lives of the twelve *Cæsars*, as they led them, in a Book of equal Profit and Pleasure. *Pliny*, Junior, was one of his most intimate Friends : Besides this, he wrote a Treatise *de Claris Grammaticis*, and another of the *Rhetoricians*, the greatest part of which is wanting, as also of that Treatise of his, which contain'd the Lives of the Poets ; for that of *Terence* (as *Donatus* owns) is in a manner wholly his ; and those of *Horace*, *Lucan*, *Juvenal* and *Persius*, are probably his too. But be that as it will, it is very probable *St. Jerom* made *Suetonius* his Model for his Treatise *de Scriptoribus Ecclesiasticis*. Many other of his Pieces are likewise lost, mention'd by *Aulus Gellius*, *Servius*, &c.

(4) *Julius Cæsar* (or *Cæsar*) *Caius Julius* first Emperor of Rome was of the Family *Julia*, which pretended to be descended from *Venus* by *Aeneas* the Son of *Anchises* and that Goddess. The Posterity of *Ascanius*, the Son of *Aeneas* and of *Cræusa*, and surnam'd *Iulius*, subsisted in *Alba*, till that Town was ruin'd by *Tullus Hostilius* King of Rome. That Prince transported it to Rome, where it prosper'd. It does not appear that it form'd above two branches there ; the first bore the Surname of *Tullus*, the second that of *Cæsar*. The Persons of the first Branch, that begin to appear in History, are *Caius Julius Tullus*, and *Vopiscus Julius Tullus*. The first was Consul in the Year of Rome 265, and Decemvir in the Year 300. The last was Consul in the Year 271. The most antient *Cæsars* that we can find, had some Dignities the 11th Year of the first Punick War (that is to say) in the Year of Rome, 546. Since that time some *Cæsars* appear very frequently in the Offices of the Republick, till *Caius Julius Cæsar* the Emperor's Father. He was the Son of another *Caius Julius Cæsar*, whose History is unknown ; it appears only that

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he was married with *Martia*, who descended from the Family of King *Ancus Martius*. He had three Children, two Sons and one Daughter, who was the Wife of *Marius*. The two Sons, *Caius Julius Caesar*, and *Lucius Julius Caesar*, did not go beyond the Prætorship, dying in the Flower of their Age, and in a singular manner; for both of them died as they were putting on their Stockings in the Morning; *Caius* at *Pisa*, and *Julius* at *Rome*, where he exercis'd the Dignity of Prætor. *Caius* married *Aurelia*, Daughter to *Cotta*, by whom he had one Son and some Daughters. The Son is he, who makes the Subject of this Remark, born at *Rome* the 12th of the Month *Quintilis* (afterwards call'd *Julius* in Honour of *Julius Caesar*) 653, and lost his Father in the Year 669. They know not well why he bore the Surname of *Caesar*, who think it was given him, either because he was taken out of his Mother's Womb by a Chyrurgical Operation, or because his Grand-Father had kill'd an Elephant, which is call'd *Caesar* in the *Punick* Language. Neither of these Reasons are worth any thing, since there were some *Caesars* in *Rome* among the Ancestors of our *Caesar* from the Time of the first *Punick* War. These Words of *Pliny*, (*lib. 2. cap. 9.*) have deceiv'd them, viz. *Auspiciatius eneclia prestante gignuntur; sicut Scipio Africanus prior natus, primusque Caesarum à Caso matris utero dictus*. They have apply'd to our *Caius Julius*, the Dictator, what *Pliny* has only said of the first that was Surnam'd *Caesar*. *Solinus* did not well understand that; he believ'd that *Pliny* had said, that *Scipio*, the *African*, was the first that was call'd *Caesar*. Thus much of *Caesar's* Family, and against those who understand not truly why he was so call'd.

Now let me take notice of this Emperor's Marriages. He had been betroth'd to a very rich Maid, whose Name was *Cossutia*, when he was yet in his *Pretexta* or youthful Gown, and he sent her away in a little time: Afterwards he married *Cornelia*, the Daughter of *Lucius Cornelius Cinna*, and would never put her away, tho' he hazarded much by not complying with the pressing Sollicitations of *Sylla*, who desir'd it. Further, to shew the Love he bore this Woman, he compos'd himself her Funeral-Oration, and recall'd her Brother *Cinna* from Banishment, about 708 of *Rome*. He had a Daughter by her, who was *Pompeia*.

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ey's Wife. His third Wife's Name was *Pompeia*, Daughter of *Quintus Pompeius Rufus*, whom he quickly divorc'd, upon Suspicion (not ill grounded) that she had committed Adultery with *Clodius*. After that, he married *Calpurnia*, the Daughter of *Lucius Calpurnius Piso* (who by his Merits was rais'd to the Employments of *Tribune of the People*, *Consul*, and *Censor*, being a good Lawyer, Orator, and Historian, three good Qualifications to rise by) who out-liv'd him. *Sylla* the Dictator, suspecting his ambitious Humour, would have him be put to Death; but *Cesar* by his Caution and Cunning escap'd this Danger, and was at last receiv'd into *Sylla's* Favour; who had good Fore-sight, when yielding to the repeated Desires of divers Persons of Quality (and they his own Friends too) he told them, they would repent one Day for having hinder'd him from dispatching that young Man, who had many *Marius's* in his Bosom.

After this *Cesar* goes to the Army in *Asia*, and at his Return accus'd *Cornelius Dolabella* of defrauding the Publick, then sets sail for *Rhodes* to study under *Apollonius Molon* (a Greek Author, who flourish'd about the 670th Year of *Rome*, and was Master to *Tully* (as he himself tells us) first at *Rome* and afterwards in *Asia*) but was taken by Pyrates, who proffer'd him his Liberty for thirty Talents; but he scorning it at so low a Rate, gave them fifty. No sooner was he out of their Clutches than he takes other Ships, attacks the same that took him, makes himself Master of them, and crucifies every Soul in them; so verifying what he us'd to threaten them with in Jest, when their Captive. His Rise by Promotion to Offices thro' the Peoples Favour was after this manner, viz. The first Office, the People voted him to, was that of *Tribunus Militum*; then he was chosen afterwards *Quaestor*, was made an *Edilis*, and then put in for the Place of *Pontifex Maximus*, or High-Priest, which (it's said) he was so sure to carry, that he foretold his Mother, in taking his Leave of her early in the Morning, before he went to the Place of Election, that, that Day would either see him, Great *Pontiff*, or a Fugitive; which prov'd true, for he carried it from two Illustrious Competitors (*Quintus Lutatius Catulus* and *Publius Servilius Isauricus*) that were much older, and much more recommendable for

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Services done to the Republick, than he was. After this he became *Prator*, then Governor of *Spain*. At his Return he was chosen Consul with *Bibulus*, whom he depos'd and confin'd to his House, during the rest of his Consulship, because he would not consent to the Publishing of the *Agarian* Laws (the Occasion of many Seditions in *Rome*, and at length of the Overthrow of that Commonwealth by *Julius Caesar*) so that he rul'd alone.

During his Consulship, he chose, by the Assistance of *L. Piso* his Wife *Calpurnia's* Father and *Pompey* his Daughter *Julia's* Husband, the Government of the *Gauls*, which he made a Province, during his ten Years Command of the Army, and impos'd a Yearly Tribute of 400000 Sesterces upon it. He was the first *Roman*, who laid a Bridge over the *Rhine* to attack the *Germans*, over whom he was several times remarkably Victorious. He conquer'd also the Inhabitants of *Great-Britain*, a People unknown to the *Romans* before his Time; and oblig'd them to send him Money and Hostages. But whilst he went on conquering thus Abroad, his Daughter *Julia* dies at *Rome*, and with her fall also his and *Pompey's* Friendship and good Understanding; they ever after looking upon each other as Competitors. This made *Pompey* then at *Rome* cross all *Cesar's* Projects, and hinder the Senate from yielding him his Requests; whereupon he leads his victorious Army into *Italy*, which struck such Terror into his Enemies, that they fled for it, gains some considerable Towns, takes *Domitius*, who was nam'd to be Successor in the Government, Prisoner; then Coasts along the *Adriatick* Sea straight to *Brindes*, or *Brundusium*, whither the Consuls and *Pompey* were gone to cross the Seas, whom missing, returns to *Rome*, assembles the Senate upon the Republican Affairs, and afterwards goes into *Spain* to engage *Pompey's* Army, commanded by his three Generals, *M. Petreius*, *L. Afranius*, and *M. Varro*, saying, as he march'd along, That he was going to fight an Army without an Head or General, with an Intention afterwards to find out the General without an Army. He soon obtain'd what he aim'd at; tho' the Siege of *Marseills* retarded him a little; then returns again to *Rome*, passes into *Macedonia*: and after four Months Incampment near *Pompey*, defeats him in the Plains of *Pharsalia*;

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Pharsalia; which Victory, tho' it was a deciding Blow, and as one may say, a Decree pronounc'd from Heaven on the Civil Wars of *Rome*, yet dazzled him not so much, but that he thought *Pompey*, the Head of the opposite Party, was still living; and therefore that there would be never an End of it, if he had time given him to gather the broken Remains of his Army. Wherefore (knowing as well how to improve his Victories as to conquer, which distinguish'd him from so many other warlike Princes, who had not the like Talent) he pursues his flying Enemy as far as *Alexandria*, where hearing of his Tragical End (occasion'd by his close Pursuit of him) he turns his Arms against *Ptolemy*, who design'd to surprize him; and tho' he had many disadvantages to struggle with, yet he got the better, and made himself Master of all *Egypt*, which he left to *Cleopatra*, and march'd into *Syria*, thence into *Pontus*, where on the fifth Day after his coming, in one Battle of four Hours, he utterly defeated *Pharnaces*, Son to the great *Mithridates*. After this he overthrew *Scipio* and *Juba*, who had gather'd together the Remains of their scatter'd Troops in *Africa*, and overcame the Sons of *Pompey* at the Battle of *Munda* in *Spain*. This was the last Victory he obtain'd, and was that, which cost him most: He was like to have lost it, and was already thinking of killing himself, that he might not fall into the Enemies Hands. He gain'd it (a remarkable Circumstance) during the *Bacchanalia* (*Plut. in Caf. p. 756*) In all these Civil Wars, Fortune never prov'd his Enemy but twice, once at *Dyrrachium*, when *Pompey* made him fly, but did not pursue him (a great Fault, which made *Cesar* say, he did not know how to Conquer) and the other in his last Engagement in *Spain*.

Having put an end to these Wars, he triumph'd five times, got himself declar'd Dictator for Life, and Consul for ten Years, and afterwards took upon himself the Title of Emperor. After this he applied himself with great Care to regulate the Common-wealth. He reform'd the *Fasts*, conform'd the Year to the Course of the Sun, and made it consist of 365 Days, reforming the *Roman* Calender by the Advice of eminent Astrologers, and began that *Era* which of his Name was called the *Julian*. He completed the Number of the Senators, shar'd the Power of chusing

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Magistrates with the People, took a List of the Citizens, and settled all other Things judiciously and prudently, particularly those which related to Luxury and Expence. He was Learned, and so Eloquent, that only a Desire to possess the chief Place of the Government, hinder'd him from contending for Precedence with the most famous Orators. We have two of his Works, viz. Seven Books of the Wars of *Gaul*, and three Books of the Civil Wars, they are (properly) Memoirs. There is a great Neatness of Style in them, and all the careless Beauties that such a happy Genius as that of *Julius Caesar* could diffuse in a Work of that Nature, which he compos'd in haste and without Art. *Hirtius* and *Cicero* give them great Praises. But every Body did not judge of them as they did. For *Suetonius* tells us, that *Asinius Pollio* found too much Negligence and many Lies in those Commentaries; whether it be, that *Caesar* believ'd some false Reports, or that, as to his own Performances, Self-love, or want of Memory made him write several Falsities. However, it is certain, that the Memoirs of that Conqueror are writ too carelessly. Certain Authors pretend that *Caesar* compos'd but some of these himself, ascribing the 7th Book of the War against the *Gauls* to *Hirtius*, who has also made Commentaries upon the Wars of *Spain*, *Africa*, and *Alexandria*. Others think that *Oppius*, an intimate Friend of *Caesar's* was the Author of this Book. But *Vossius* (whom the Curious may consult) shews two Things with the utmost Clearness, viz. That *Caesar* is the true Author of the Commentaries, that bear his Name. 2. That he has often disguis'd the Truth. They, who think, that besides the Commentaries, that are still extant, *Caesar* had compos'd some *Ephemerides*, i. e. a Journal of his Life, and several other Works that are lost, are much in the right. 'Tis known to every Body, that he was murder'd in the Senate, the 15th Day of *March*, 710, being 56 Years of Age more or less. They gave him 23 Wounds: each of the Conspirators strove to wound him; and in that haste, some of them wounded each other. They thought their Action would have been applauded by the People, but they had reason to question it the very next Day; for the People kept a very profound Silence, when they heard what had been done. The Senate remov'd their Fears,

since

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since by conferring on the one Hand divine Honours upon *Caesar*, they granted on the other many Advantages to the Conspirators. But *Caesar's* Funeral Pomp spoil'd all. *M. Anthony* made a Speech, which exasperated those that were present to that Degree, that they went to burn the Conspirators Houses, and sought them all over the Town to cut them in pieces. That, which affected them most, was, that he shew'd them *Caesar's* Tunick full of holes and bloody. *Plutarch* and his Copier *Appian* affirm it; but other Historians don't mention that Circumstance. *Cicero*, reproaching *M. Anthony* for that Day's Proceedings, says nothing of that Particular. And *Suetonius* is so far from mentioning it, that he gives us to understand that *M. Anthony* made no Funeral-Oration.

In all likelihood if *Caesar* had liv'd ten Years longer, he would have done the finest Things in the World for the Glory and Prosperity of the *Roman* People; He was kill'd in the midst of the greatest Projects, that a Sublime Wit, and an Heroick Courage could undertake. Few or none of the Conspirators (as *Suetonius* observes) out-liv'd *Caesar* three Years, or died a natural Death. For being proscrib'd, or out-law'd for Treason, they fell by one Accident or other. As for himself, he seem'd to die such a Death, in one Circumstance, as he had a Mind to; for being once ask'd by his Friends at an Entertainment, what sort of Death was most eligible; he answer'd, *An unexpected one*. *Suetonius* observes further, that his Death was portended by a great many Prodigies, several of which he was advertis'd of himself; but being, as it were, overruled by his Fate, would take no Notice of them. Perhaps no Body has better succeeded than *Sallust* in representing *Caesar's* Character, which he compar'd with that of *Cato* of *Utica*. He says amongst other Things, that *Caesar* sought great Dignities, noble Enterprizes, the Command of Armies, to shew the Brightness of his Merit; but that *Cato* was contented to signalize himself by his Modesty and eminent Virtue, desiring rather to be an honest Man, than to seem to be so, and attaining to Glory more surely by his indifferency of attaining to it. When all is done, there is no good Judge but would prefer before many other fine Qualities, that which *Cato* had, of being more sensible to the Possession of Virtue, than to the

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the Reputation of being Virtuous. This was also the Lot of *Aristides*.

In all likelihood *Cesar* might have enjoy'd the Usurpation of the Empire longer, if he had not been fond of the Name and Grandour of a Sovereign; his Friends, who should have supported him in such a slippery Place, undid him, by being a little too hasty in endeavouring to procure the Royal Ornaments to him. If any thing made the Conspirators resolve to hasten the Execution of their Design, it was the Fear, that *Cesar* would openly assume the Name of King (a Title then odious to the People) which Fear was not ill grounded. The Senate decreed him such excessive Honours, that one would almost wonder at the Servility of their Compliance. For the Senators perceiving that he was pleas'd with the honourable and glorious Distinctions that they conferr'd upon him, they invented new ones without any Measure or Bounds; Nay, some were for making a Decree that he might enjoy as many Women as he would; forasmuch as tho' he was above 50 Years of Age, yet he made use of many Women.

But there was much Republican cunning in this Submission of the Senate; for they design'd it only to make him more odious, and to accelerate his Ruin; *Cesar* did not discover the Snare, but suffer'd himself to be dazzled by the Splendour of those Decrees of the Senate; he forgot himself a little too much; a plain Instance whereof is his once receiving that venerable Body of Men in a sitting Posture, when they brought him the Decree, which they had just then made to increase his Honours. That Incivility was one of the chief Causes of his Destruction. *Dion Cassius* the Historian (who relates the Matter with all its Circumstances) was so startled at this Piece of Impolitic Pride, that he is at a Loss to account for it, thinking that that Incivility was either a fatal Stroke of Providence, or the Effect of *Cesar's* great Joy. *Seneca*, tho' two of the most eminent Stoicks (viz. *Cato* of *Utica* and *Brutus*, whereof the first died before *Cesar*, and the last was one of *Cesar's* Murderers, and died afterwards in maintaining the Cause) whose Memory he valu'd so much, were concern'd in the Plot against *Cesar*; yet blames the murdering of him. He says there was no Discretion in it, and that the Passion of his Enemies blinded them from seeing

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seeing that in the State, wherein Things were, they could not hope for the Restoration of Liberty. The same *Seneca* observes, that *Cesar* had united and incorporated himself in such a manner with the Republick, that no Separation could be made without spoiling and ruining all. Certain it is, that none but *Cesar* could repair the Evils, that the Roman People had suffer'd. (*Bayle's Hist. and Crit. Dict.* Collier's great *Historical Dict.*)

(5) *Quirites*] So were all the People of *Rome* call'd upon the Union of the *Romans* and the *Sabines*, who were an antient People of *Italy*, that inhabited the Country betwixt *Hetruria* and *Latium*, whereof they also possess'd some Part. The Capital City of the Country was *Cures*, which, when the *Romans* were united with that Nation, principally gave 'em the Name of *Quirites*.

(1) A

There was also among the Antients a certain Right of having Images or Statues, which was by the Senate given to such as had remarkably born some great Office, or worthily deserv'd some great Honours; which was not so much for the Mark and Sign of Nobility, as of the Stock and Family to which they were given: For they, who obtain'd Statues for their Stock and Family, undoubtedly brought thereunto Nobility also. And what greater or more excellent Thing there was, than to have the Right and Power of using Statues and Images (after the manner before related) I know not. *Pliny* thus writeth; *Apud majores Imagines in Atrijs erant, quæ Spectarentur, expressi vultus singulis dis-*

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disponebantur Armarijs, ut essent Imagines, quæ comitarentur gentilia Funera, semperque, defuncto aliquo, totus aderat Familiæ ejus qui unquam fuerat populus. Stemmata verò lineis discurrebant ad Imagines pictas; Tablina verò Codicibus implebantur, & Monumentis rerum, & Magistratuum gestorum. English'd thus: ' In the
' Time of our Ancestors, Images and Statues
' were in their Courts to be seen, lively Counterfeits and Protraitures were in all their
' Studies and Closets placed, to the end that
' there might be still Images to attend and set forth the Funerals of such as were to be buried of that Stock and Family: And always
' when any Gentleman of Note and Mark died,
' all the whole Race of those, who were then living of that House and Stock, accompany'd the dead Corps; and from their Arms Lines
' were drawn along to the painted Images of those whose Arms they were. As for their
' Studies and Closets, they were full of Books and Records, testifying the noble Acts by them
' worthily perform'd, and the honourable Offices by them in the State and Common-wealth
' born and discharged, whilst they yet lived; whereby it is declar'd, that Statues and Images
' were rather the Signs of some great Office well
' dif-

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‘ discharg’d, than of any Nobility. Nor were
‘ all the Images of all, who were of the Stock
‘ and Race of those to whom the Right of Images
‘ belong’d, wont to be carried at the Funeral
‘ Solemnities of their Kinsmen, but only the
‘ Images of those, who with great Praise and
‘ Glory had borne and discharg’d some honour-
‘ able Office, and who had of the Senate ob-
‘ tain’d that Right and Privilege.’

For which reason *Cicero* reckoneth up this Right, of having Images, amongst the Ornaments of Magistracies ; such as are *Toga* the Gown, *Pratexta* the Senator’s Robe, and *Sella Curulis* the Chair of State ; and to have the Pre-eminence to deliver ones Mind and Opinion first ; all which Things pass’d not to their Posterity, so that they might use the same in such sort as the Nobility of those who had been Consuls (1), Prætors (2) and such like did, which the *Roman* Laws would have to descend unto their Nephews in these Degrees, that as well the Women as the Men, unto the Nephew’s Son, should be accounted of the same Dignity that there Ancestors were of. In short, he who had brought the Right of having Images into his Family, is to be thought to have done no more, but that his own Image might be carry’d forth at his own Funeral,

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Funeral, and the Funerals of those of his own Stock and Kindred, and not that the Images of his Posterity should also in such Funeral Solemnity be carried ; but only the Images of those who had gotten the like Right. And these Images were kept at Home in their Houses, and carried forth at the Funerals of those of their House and Stock, for an Example of the noble Acts by them done. But concerning Images and Statues many thus think, that they who had the Images of their Ancestors were accounted and call'd antient Noblemen, and they who had but only their own Images, were reputed and call'd new Noblemen. But such, who had neither Images of their own, nor of their Ancestors were reckon'd base and ignoble (3). And yet they of the common sort of the People, who had obtain'd the Offices (call'd *Curules* (4) or of the Ivory-Chair of State) had also their Images. Thus much of the Right of Images and Statues, made use of by the Antients as Proofs of their Nobility, which was (indeed) a Solemn and Honourable, but yet a cumbersome Trial ; whereof and how in Time they decay'd, the Poet (in his 8th Satyr) speaketh. They have long been difus'd, and Coat-Arms (5) substituted in their Place, as the most certain Evidence of Nobility and Gentry ; so that
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in these Days the Rule is; *Nobiles sunt qui insignia gentilia Generis sui proferre possunt* (6).

Now

(1) *A Consul*] *Ita dict. quod Reip. consulat*, (Pomp.) i. e. *provideat*; *vel quod consuleret Senatum*, (Var.) *a consulendo*, i. e. *judicando*, ap. vet. *unde boni consulere*, i. e. *bonum judicare*, (Quint.) *nam & Consules aliquando vocati*, (Liv.) A chief Officer among the Romans, of which two were yearly chosen to govern the City. *L. Junius Brutus*, and *Tarquinius Collatinus* were the first the Publick Assembly chose, after the Banishment of *Tarquinius Superbus*, last King of Rome, the 245th of its Foundation, and 509th or 10th before our Saviour's Birth. The Consuls commanded the Armies, were Chief of the Senate, and regulated the Affairs of the Republick. But the Emperor *Justinian* suppress'd the Dignity, A. D. 541. which brought upon him the Odium of all Lovers of Antiquity. This Change was imputed to *Tribonianus*, because he had not Interest enough in the People to be chosen himself. The Title (it's true) was then but Honorary, attended only with the outward Marks of the Ancient Power of the Roman Consuls, that made a general Earthquake. *Justin*, to gain the Favour of the Populace, re-establish'd it in 566; and to ingratiate himself the more, became one, but it did not take: This we may depend upon, that in all the History of the West, there is not a more sure Mark of the Times, than what is taken from the Roman Consuls, whether we have an Eye to the State of the Republick before *Augustus* and Christ's Coming, or to the different Revolutions of this Great Empire, and the several Transactions of the Church to the Time of the Emperor *Justinian*.

(2) *Prators*] *A Prator, a praeundo, quasi prator, quod Populo prairet*. *Prator dictus, qui prairet jure & exercitu*, (Var.) *Al. a praesse; ut sit generatim is qui Praest*. *Nomen Pratoribus sive quod prairent, sive quod praessent*, (Lips.) *lidem dicebantur Consules & Pratores; quod consulerent*

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fulerent Senatui, Consules; quod praeirent Populo Praetores, (Var.) In old Time, after the Expulsion of Kings, the Consul was so call'd, One with Kingly Power, both for Civil and Military Affairs. Afterwards, the Consuls being employ'd abroad in War, there was one made with Power to judge Matters of Law between Citizen and Citizen, call'd *Praetor Urbanus*, whom *Cicero* often calls *Praetor Romanus*, like our Lord-Mayor; and because there was a great Company of Strangers at *Rome*, another was appointed to judge Causes between them, call'd therefore *Peregrinus*, like our Sheriff of *Middlesex*; till at last, as more Provinces came in, and Causes multiply'd, there were Eight *Praetors* made, and so continu'd till *Julius Caesar* made them Ten. At last it came to signify any Governour or Chief Magistrate. *Veteres omnem Magistratum, cui pareret exercitus, Praetorem appellaverunt.* (Ascon.)

(3) *Base and Ignoble*] *Flavia Gens obscura quidem est sine Imaginibus. Nobiles sunt qui Imagines Generis sui proferre possunt.* (Cicero.)

(4) *Magistratus Curules*] Head Officers of *Rome*, who were wont (*Honoris Gratia*) to be carry'd in a Chair of Estate, made of Ivory, carv'd, plac'd in a Chariot, into Council.

(5) *Coat-Arms*] *Cotte de Armes*, a Coat-Armour, i. e. a long Coat over Armour, with his Arms embroider'd upon it. (*Co. Inst. 4. pag. 363.* in the Margin.) These were not us'd before the 10th or 11th Age. For the Tombs of Princes and Noblemen, dead before that Time, are observ'd to have none at all.

(6) *Co. Inst. 2. pag. 667.*

(1) *Base*

Now will I again return to *Romulus*. *Romulus* (as I formerly observ'd) having divided the

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he People into two Degrees or Orders, *viz.* the Order of the Senators, and of the Common Persons; calling the Progeny of the first, *Patricios* and *Optimates* (or the Progeny of the Fathers and of the Nobility;) and the Progeny of the latter, *Plebeios* (or a Progeny descended from the vulgar and common Sort of People) made also a Distinction of their Offices and Vocations, which (to avoid Tautology and vain Repetition) I shall not here set down.

Thus much I may say, and which before I have not remark'd, that *Romulus* would not permit the *Romans* themselves to exercise any Base Trade (1), or laborious and painful Business, and forbad them also all dishonest manner of Gain, as unbecoming such who were Fathers in the Common-wealth; nor in antient Time could any one be chosen a Senator, or one of the *Patricij*, but by an express Law to that End and Purpose propounded to the People, which was the greatest Office belonging to a King, a Consul, or a Dictator. But in what Things the *Patricij* were distinguish'd from those of the common Sort of People, is by many Examples try'd; for the *Patricij*, who excell'd in Nobility, and who were honestly begotten, and well brought up, had a Tablet or

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Jewel

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Jewel upon their Breasts, and little Moons on their Feet, using Ivory Buckles, crooked horn-wife, like the Moon ; and this, they say, was ordain'd by *Numa* (2), as if by the Character of the Moon the Number of an Hundred had been design'd and figur'd, in which Number the Senators were then contain'd. But the Tablet they wore was of Gold, made in form of an Heart, wherewith they of antient Times were reported to have also seal'd their Letters; which Tablet Free-born Boys, and the Sons of such as had serv'd on Horseback, us'd to wear together with the embroider'd Gown, call'd *Pratexta*, until they were Fourteen Years old; which Time being expir'd, they then, in a solemn Feast, hang'd it up to their Household, or Hearth-Gods, whom they call'd *Lares* (3).

Every

(1) *Base Trade*] In *France*, *Germany*, *Italy*, and in the Northern Parts, and elsewhere, where the Civil Law is in Force, the *Low-Countries* only excepted, 'tis rarely seen that Gentlemen, tho' of the lowest Fortune, will bind their Children Apprentices, or make any Affinity with Merchants, tho' never so Rich, unless they first purchase Honours, and quit their Traffick : Whereas, with us in *England*, we see the contrary every Day, forasmuch as we are not under the Directions of the Civil Law, which entails such Privileges upon Blood ; nay, and what is yet more remarkable, the Nobility do not only condescend to make an Affinity and

Relation

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Relation with Shops, but the Shop-keepers themselves, even Retailers themselves, and sometimes meer Merchants, are inroll'd amongst the Nobility of Orders of Knighthood; a Thing, which at the first Blush looks a little Heterodox, viz. to see the blue Apron intitled to the Sword. *Trade dicitur a tradendo, quia tradit nobis necessaria.* The Saxon Word is *Craft*, hodie *Craft*, id est, *Trade*. (*Cok. Inst. 2. p. 668.* upon 1 *H. V. Cap. V. Of Additions.*)

(2) *Numa*] *Numa Pompilius*, second King of *Rome*, was a *Sabine*, born in a Town call'd *Cures*, and Son of *Pomponius Pompilius*. He was a peaceable and devout Prince, and settled the Policy and Religion of the State. The *Romans* had him in such Esteem, that as soon as ever *Romulus* had breath'd his last, they set him upon the Throne, in the 40th Year of *Rome*. He first appointed the People call'd *Flamines*, and *Salij*; the *Vestal Nuns*; the *Pontifex Maximus*, *Feciales*, and the *Dies Fasti*, and *Nefasti*, and divided the Year into Twelve Months; all which he feign'd to have from the Nymph *Ageria*, with whom he us'd to meet a-Nights, as he pretended, on purpose to make his Laws the more awful with the People. He was marry'd to *Tatia*, the Daughter of *Tatius*, *Romulus's* Colleague, by whom he had Four Sons, who became the Heads of Four Families; and One Daughter, marry'd to *Tullus Hostilius*, his Successor. He reign'd 43 Years, and dy'd in the 82d of *Rome*.

(3) *Lares*] *Lar*, Virg. Hor. *proprie Deus Familiaris*, per Meton. *pro foco, ubi colebatur*; & per Synecd. *pro ipsis sedibus*. *Lar aut Lars est Hetrusca Vox.* Περσάντ, i. e. *Familie Princeps*. Scal. Fung. a *Laſa* (vel a *Larunda*) *Nympha*, & *larium matre*; vel ex *laeſe* *αἰώνιος*. Hes. *Benignus, lenis*. Al. a *λαῖα*, *Vicus*; vulgo enim *Vicorum* atque *itinerum Dij* habiti. *Lares*, the Household Gods of the *Romans*, and some other Nations, whose Images they kept in their Houses, and offer'd Wine and Incense to them. The *Romans* divided them into Publick and Private. The Publick being suppos'd to take Care of, and to be the Protectors of Cities, People, and High-ways; as the Private, of particular Houses and Families.

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milies. They had Feasts kept in Honour of them, and Temples built to them.

(1) *Tribunus*

Every honourable and noble Youth wore this *Pratexta*, or embroider'd Gown, about his Coat; but after Childhood past (this *Pratexta* being left off in the 17th, sometimes in the 16th, and also 15th Year) they put on the Gown, call'd *Toga Virilis*, or Man's Gown. That which was embroider'd with Purple was given only to those whose Fathers had born the great Offices (call'd *Curules*) or some other great Honours. The Order of Gentlemen, and the common sort of People in antient Time, wore no Purple: The Garment of the *Tribune* (1) of the People and of the Commonalty was a Cloke, such as they call'd, *Sagi*, *Endromides*, and *Cuculli*, Cassocks, Mantles, and Cloaks with Hoods. But in succeeding Times, the Commoners indeed did wear Purple, but different from that which the Senators wore, *viz.* of a dark Colour, and dy'd with the Juice of Herbs, and not with the right *Tyrian* Purple Die. But this Ordinance (as *Dionysius Halicarnassæus* (2) saith) lasted not long, all Things being made common with those of the Commonalty; and lest any Man should think the Dignity of the *Patricij* and of the Senators

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Senators to be the same, *Tacitus* reporteth, that the Emperor *Claudius* (3) selected out of the Senate every one of the most antient sort of the Senators into the Number of the *Patricij*, there being now but a few left of those Families which *Romulus* call'd *Majorum*, and *L. Brutus Minorum Gentium*. But what the Reader will most wonder at, is that the Commonalty growing strong, as there was a passing over from the State of a Commoner to the Degree of one of the *Patricij*; so divers of the *Patricij* went over to the Commonalty, and became of their Number.

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(1) *Tribunus dictus à ternario numero; quia tres hinc tantum partes populi & ex singulis singuli crearentur ad exercitum mittendi; sive à Tribubus; quod earum Suffragijs crearentur, vel quod ijs praeessent* (Lips.) *Tribuni dicti, eo quod plebi jura & opem tribuunt.* *Ἰδὲ, ἀήνας, & πόλιν, &.* *Tribunes* of the People, Officers among the Romans having chief Jurisdiction among the Commons; Protectors of the Commons; they were first ordain'd after the great Difference that happen'd between the People and Nobles, which was appeas'd by *Menenius Agrippa*. At the first Establishment, they were two (like our London Sheriffs) and call'd *Tribuni Plebis*; but these associated three more to them, and this Number was increased to ten by *L. Trebonius*. Their Authority was so great, that sometimes they have imprison'd Consuls, and fin'd their Dictators; their Power at first extended but a 1000 Paces, or a Mile of *Rome*; but *C. Calta* made a Law, by which they were empower'd to exercise their Authority in the Pro,
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vinces, and that also after *Sylla's* Time, who was so averse to that Dignity, that he order'd they should for ever be excluded from all other considerable Offices. Tho' these *Tribunes* at first were chosen amongst the common People, yet afterwards the Nobles, Senators, and *Patricians*, look'd upon the Charge as honourable; and the Emperors themselves, after *Augustus*, have not disdain'd to take the Title of *Tribunes*. These Officers being instituted for the Security of the meaner People against the Power of the Consuls and *Patricians*, kept their Doors open Day and Night, to receive such as sought shelter with them; nor were they allow'd to go out of the City, but on certain Days; they weaken'd the Authority of the Consuls and Senate, and often occasion'd great Tumults.

(2) An Historian who wrote of the Original, and Affairs of *Rome*.

(3) *Tiberius Claudius Drusus*, Roman Emperor, Son of *Drusus* (who was the second Son of *Livia*, Daughter of *Augustus*) Brother to *Germanicus*, and Nephew to *Tiberius*, was born at *Lyons*, the same Day that an Altar was consecrated to *Augustus*, which sixty different Nations had erected for him: He was so weak both in Body and Understanding, whilst young, that he was look'd upon as unable to exercise any Publick or Private Charge, which was the reason that neither *Augustus* nor *Tiberius* gave him any Employment. His Mother *Antonia* us'd to say he was a Monster only begun by Nature, and call'd him her Ass. In the 37th of Christ he was Consul for two Months; but was nevertheless still contemn'd and derided by all the World. He succeeded his Nephew *Caligula* in the Empire, in the Year of *Rome* 794, the 41st of the Christian *Era*, by a very strange Adventure; for having hid himself to escape those that had murder'd *Caligula*, he was discover'd by a Soldier, who saluted him Emperor, and carrying him to his Companions, they led him to the Camp, and kept him the whole Night upon the Guard; the next Morning they swore Allegiance to him, and he promis'd them fifteen Sesterces each. Being thus settled on the Throne, he applied himself chiefly to abolish the Memory of what had pass'd, and provide the City with Necessaries, which

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with his Moderation and Contempt of Honour gain'd him the Love of all the People: He finish'd several considerable Works, as the Aqueducts to convey Water to *Rome*, which was call'd, for that reason, the *Claudian* Water, the Port of *Ostia*, &c. The only Expedition he was ever personally in, was that of setting out from *Rome* to reduce the *Britons*, who had rebell'd against him, to their Obedience, which he soon effected in 43. Afterwards suffering himself to be govern'd by those whom he had made free; his Weakness was so visible that all People laughed at it.

This Emperor had four Wives; the first of whom was *Plautia Urgulanilla*; He was promis'd, before he married her, to *Emilia Lepida*, *Augustus's* Grand-Daughter, and was also contracted to *Livia Messallina*, who died the very Day appointed for the Wedding. He had a Son and a Daughter by *Plautia*; the Son was choak'd, when a Boy, by a Pear he threw into the Air, to receive it into his Mouth; and the Daughter, after he had turn'd the Mother away for Adultery, was expos'd at her Door. His second Wife was *Elia Petina*, whom he also repudiated, after she had bore him a Daughter call'd *Antonia*, who was Wife first to *Pompey*, and afterwards to *Sylla*. *Messalina*, a Monster of Impudicity was his third Wife. This had such Boldness and Impudence, and withal such Confidence of her Husband's Stupidity, that she married another even in his Life-time, but paid dear for it; for he order'd her to be put to Death in 43, and a few Days after call'd for her, as if she had been still alive: To have done with her, she was the newdest Whore in the Universe. *Claudius* had a Son and a Daughter by *Messalina*. The last nam'd *Octavia*, was married to *Nero*, who first repudiated her, then put her to Death, after poysoning her Brother *Germanicus*. *Claudius's* fourth Wife was *Agrippina*, who was his own Niece, being Daughter of his Brother *Germanicus*; she soon got rid of him, by poysoning him with a Mushroom, whereupon *Seneca* wrote his *Ἀπικολοκύνθους* that is, his being canoniz'd into a Mushroom God: This happen'd in the 54th of Christ, he being then 63 Years old, whereof he had reign'd 13.

As weak as this Emperor was, *Suetonius* tells us, that he would not suffer any Body in an Office that was ignorant

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rant of the *Latin* Tongue. It was for that reason that he turn'd a Magistrate, descended from one of the most illustrious Families in *Greece*, out of his Place, and reduc'd him to the Condition of a Stranger. The Proof of what has been said of the Emperor *Claudius*, relating to his Zeal for the Language of his Nation, is this; viz. *Claudius* judging a Matter of Importance that concern'd the *Lycians*, he ask'd something of one of their Deputies, who was born in *Lycia* and had acquir'd the Freedom of *Rome*; he ask'd him the Question in *Latin*, and seeing that the Deputy did not understand him, he took his Freedom from him; for added he, *Those that are ignorant of the Roman Language, ought not to be Romans*, *Rome* had a long time shew'd that Jealousie for the Majesty of its Language; and the same Passion has been seen in other Countries. However that Emperor set a great Value on the *Greek* Tongue, and ever made use of it, when he answer'd Embassadors in the Senate. (*Bayle's Hist. and Crit. Dict. Engl. Moreri.*)

(1) *Tribuni*

The Election of the Senators, according to the Alteration and Changes of Times, belong'd sometimes to the Kings, afterwards to the Consuls, and to the Dictators. After the Dissolution of the Kingly Government, we read that the Consuls chose such of the *Patricij* as were dearest to them, and afterwards some of the Commoners also, to be Tribunes (1) of the Soldiers, with consulary Power; until it was by the Law provided, that the Censors should Ward by Ward make Choice of them in the Senate. Not long after a Substance was requir'd for

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for the Creating of a Senator; and if he who was so chosen did afterwards waste, and weaken his said Substance, he lost also his Order and Degree.

Hence 'tis manifest, that the *Roman Nobility* was establish'd in the Dignity of the *Patricij*, and of the Senators, which, not to have been deny'd to the Order of the Gentlemen, may be gather'd from what follows, tho' others be of other Opinions. *Dionysius Halicarnassæus* (whose Testimony I once before made use of) affirmeth that three hundred Gentlemen, were chosen by *Romulus* out of the most honourable Families, ten out of every Ward. Some of the Gentlemen were such as serv'd upon a Publick Horse, altogether in the City; others of them were such as serv'd on a Private Horse in the Army Abroad. The Publick Horse the Cenfor appointed.

Publick

(1) *Tribuni Militum*, or Military Tribunes. These had a Consulary Power, and were first instituted 317 Years after the Foundation of *Rome*, at *Canuleius's* Request, who made Complaint for the People, that they were not receiv'd to the Dignity of Consul; whereupon a Law was publish'd, which gave these new Tribunes the same Power and Marks of Honour with Consuls. There were three created at first, which Number was increas'd in Process of Time to that Degree, that *Pomponius* (the Lawyer)

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Lawyer) observes, there were twenty created the same Year. There were also other Tribunes, who had the Care of the Treasury, call'd *Tribuni Aerarij*, and judg'd Matters of lesser Consequence.

Publick Horsemen or Gentlemen he created, as well out of those who were descended from the Senators, as out of the Commonalty, who at length, for their Substance, were created also, as were the Senators; but a Gentleman's Substance was 400000 Sesterces, which being consum'd and spent, the Reputation and Dignity of a Gentleman therewith also ended, *Isidore* (1) an Author quoted by *Pliny*) writeth, that altho' a Man were by Birth a Senator's Son, yet until he came to lawful Years, he was but a Roman Gentleman, and so afterwards came into the Order of the Senators.

Livy

(1) *Isidore* of *Seville*, so call'd, because he was Arch-Bishop of that City, liv'd in the 7th Century. He is call'd the Young to distinguish him from St. *Isidore* of *Corduba*. He was a *Spaniard* by Birth, and Son to *Severianus*, Governor of *Carthagera*, in that Country; his Mother's Name was *Turtura*. He had two Brothers, *Fulgentius* and *Leander*. The first was Bishop of *Carthagera*; and the latter St. *Isidore*'s Predecessor in the Arch-Bishoprick of *Seville*. This *Leander* made an Acquaintance with St. *Gregory*, afterwards *Pope*, when he was *Nuncio* at *Constantinople*, and persuaded him to undertake the composing his Exposition upon *Job*. *Isidore* succeeded his Brother in the Year 597, or 598. He was a serviceable *Prelate* to the Church of *Spain*.

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Spain. The Fathers, conven'd in the 8th Council of *Toledo*, held in the 653, about 17 Years, after having cited the Authorities of St. *Austin* and *Gregory* the Great, produc'd the Testimony of this *Prelate* with this honourable Character annex'd, That he was the most valuable Doctor of their Age, and the Modern Ornament of the Catholick Church; that he was, 'tis true, the last of the Fathers in Point of Time, but his Learning was more forward upon the List, &c. He was for 40 Years together, as it were the Oracle of all *Spain*. In the Year 619, he gave his Vote for the Precedency of the See of *Toledo*. In 619 he presided in the Council of *Seville*, in which he procur'd the passing of several Canons relating to the Discipline of the Church; and engaging in a Dispute with a Bishop of *Syria*, infected with the *Heresy* of the *Acephali* (a sort of *Hereticks* acknowledging no Head or Supream: Their first Appearance was about the Year 500. They asserted one Substance in Christ, and therefore but one Nature) he convinc'd him by Citations from the Holy Scriptures, and brought him over to the Catholick Faith. In the Year 633, he presided in the 4th National Council of *Toledo*, where several Canons were made for the Reformation of Manners, and the Reviving of Discipline. In 636, being at the Point of Death, he order'd himself to be carried into St. *Vincent's* Church, where, after having receiv'd the Holy Communion, he departed this Life, *April* the 3d.

As for the Character of his Writings, the Learned *Du Pin* makes this Judgment of them. He tells us this Bishop was well read, but that his Genius was not very beautiful, nor his Thoughts elevated; there is nothing, as *Du Pin* goes on, commendable in his Style, but the Clearness of it. He is neither Eloquent nor Polite; his own Opinions are often false, and he does not always make a good Choice when he borrows from others. He satisfies himself with a superficial Knowledge, and does not go to the bottom of the Argument, and yet after all he must be allow'd to be a Person of great Learning. The Principal of his Works are, *viz.* His *Chronicon*, beginning with the World, and carry'd on to the 5th Year of King *Simbilanus*, i. e. to the 626th of our Lord. *Historia Gothorum, Vandalorum, &c. Suevorum*. The best Edition is

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is that publish'd at *Amsterdam* by *Grotius* in 1655. *Originum sive Etymologiarum Libri* 20. This Work is an Epitome of all Arts and Sciences; where, in the Prosecuting of his Subject, he explains the Terms, lays down the Principles, and Points out what is most useful in each of them. To proceed, his next Tract is, That *de Scriptoribus Ecclesiasticis*: This Book goes upon *Jerome's* and *Gennadius's* Model, and takes in 33 Writers. *De Vita & Morte Sanctorum utriusque Testamenti, sive de ortu & obitu Patrum. De Divinis sive Ecclesiasticis Officijs, Libri* 2. This Book is counted spurious by *Baronius*; but *Braulio* Archbishop of *Saragossa*, and *Ildephonsus* reckon'd it in the Catalogue of *Isidore's* Works. Venerable *Bede* likewise, *Fulbert* of *Chartres* and *Freculphus* are of the same Opinion. *De Contemptu mundi Libellus. Contra nequitiam judaeorum, Libri* 2. To his Sister *Florentina*, *De Conflictu vitiorum & virtutum Liber*, &c. There are two Editions of this Prelate's Works. The first is that of *Marjari de la Bigne*, Printed at *Paris* in 1580. The other is that of Father *James Bruell*, a Monk of the Abby of *St. Germain des Prez*, Printed likewise at *Paris* 1602, and at *Cologne* in 1618. Before we conclude we may just observe, that *Isidore* wrote Commentaries upon the Historical Books of the Old Testament. (*Baronius. Bellarmine. Cave Hist. Liter. Du Pin New Ecclesiastical History, &c.*)

(1) *Perseus.*

Livy introduceth *Perseus* (1) King of *Macedon* speaking thus, viz. *Equites Romani Principes juventutis*; *Equites seminarium Senatûs*; *indè lectos in Patrum numerum consules, indè Imperatores, &c.* The Roman Gentlemen (saith he) are the Princes of the Youth; the Gentlemen are the Seminary of the Senate; out of them being chosen into the Number of the Fathers, they create their Consuls, out of them they

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they create their Generals? The *Roman* Gentlemen wore the Robe of State; nor could any Man be of the Order of the Gentlemen of *Rome*, unless Free-born; wherefore to be a *Roman* Gentleman was somewhat a greater Matter, than simply to be a Free-man born: Yet *Pliny* writeth, that the wearing of Rings inserted, and put a middle and third Order into the People; and that they began every where to be renown'd; and that they divided the other Order from the vulgar sort of the People, or the Commonalty. As if he had said, that the Gentlemen at first were Commoners, but afterwards Men of better Note, (which according to the Words of *Isidore* before recited) may seem to be compar'd to the Senators Children, who were rank'd among the *Equites*, or Gentlemen, until they arriv'd to the Senator's Age. In

(1) *Perseus*, or *Perses*. Gr. à Fut. *πέσω* à *πέσθω*, i. e. *Perdo*, *everto*. The last King of *Macedonia*, succeeded his Father *Philip* in the 55th Year of *Rome*, who disliking his Conduct, had design'd to disinherit him, and bestow the Kingdom upon *Antigonus*, Brother's Son to his Guardian; but *Perseus* diverted this Design, and caus'd his Competitor to be put to Death. He warr'd against the *Romans*, but unsuccessfully, having been beaten several times, and at last entirely overcome by *Amilius* at the Battle of *Pydna* in 586, and with his Son led Captive to *Rome*, where he died in Prison. He reign'd 11 Years. His Descent he pretended to derive from *Achilles*.

(1) *Logi-*

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In the Question of Nobility, not only the Ignorant, but even the Learned also much err, whilst they agree not upon the proper Signification of these Words; *Eugenia, Nobilitas; Generosus, Nobilis, Ingenuus, Gentilis*; that, is Honour of Birth, Nobility; a Gentleman, a Nobleman, a Man Free-born, a Gentleman; for whilst they interpret *Εὐγενεία* (the Greek Word) *Nobilitas* (in Latin) and with us Nobility; the more general Word is brought in Place instead of the more Particular; or, as the Logicians (1) express it, *Genus pro Specie*. For *Εὐγενεία*, or Honour of Birth, is but one kind of Nobility, call'd Native, and not all kind of Nobility, requiring a certain Antiquity of Stock, Riches and Virtues, as Aristotle (2) would have it, whose Words are, *viz. Non divites neque boni, sed qui a virtutibus, divitijs, vel antiquis bonis descenderunt, Eugenes sunt habendi*: 'Not the Rich only, nor the Good alone, but they who have descended from Virtues, Riches, and good Ancestors are to be accounted Noblemen born.'

Of this *Eugenia*, or Native Nobility, all Ages have best thought, but yet not so, as that all the Right of Nobility should be grounded upon it; for a Man may be Noble, altho' he be not

Eugenes,

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Eugenes, or from Nobles descended; yea, he may be more honourable than he who is so descended, tho' not so antient a Gentleman. As a new made Earl compar'd with an Esquire of a most antient Family, as *Agathocles* (3) of a Potter made a King. What were *Romulus*; *Tullus Hostilius*, and *Tarquinius Priscus*?

But

(1) *Logicians*.] *Dialectici*, *Logici*, are those who Dispute and Reason according to *Logick*, which is the Art of right Thinking, or using our rational Faculty aright; and the Power or Force of Reason, unassisted by Art, is call'd *Natural Logick*.

Logick is deriv'd from those Reflections which Men have made on the four Principal Operations of the Mind, *viz.* Apprehension, Judgment, Discourse, and Method or Disposition.

The Business of *Logick* is chiefly to teach us how to make proper Animadversions on the Operations of our Minds; and from its true Use we gain these three Advantages, *viz.*

1. We are thereby assur'd that we make a right Use of our Reason; for the Consideration of Rules begets in us a more fervent Application and attentive Industry of the Mind.
2. That thereby we more easily detect and explain the Errors and Defects, which we meet with in the Operations of the Mind; for oftentimes it falls out, that we discover by the meer Light of Nature the Faults of *Ratiocination*; yet are not able to give a Reason why it is false: Thus they who know not what belongs to Painting, may take exceptions at the Defects of a Picture, tho' they are not able to tell the Reason why they find Fault.
3. That we are brought to a more accurate Knowledge of the Nature of our Understanding by these Reflections

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lections upon the Operations of the Mind, which, if we look no further than meer Speculation, is to be preferr'd before the Knowledge of all Corporeal Things. (Harris's *Lexicon Technicum*, Vol. I.)

(2) *Aristotle* (sic dict. ab optimo Fine; i. e. Summo Bono, de quo scripsit, "Αειρον τελειον") commonly call'd the Prince of Philosophers, or the Philosopher by way of Excellence, was Founder of the Sect of the Peripateticks. He was also call'd *Stagirita*, from *Stagira*, a small City of *Macedon*, where he was born, in the 99th Olympiad, about 384 before our Saviour's Birth. *Nicomachus*, Physician to *Amyntas*, *Alexander's* Grand-Father, was his Father, whose Original is said to be deriv'd from *Æsculapius*. He lost his Parents in his Infancy, during which he was educated (but very loosely) by *Proxenes*, his Father's Friend; so that abandoning his Studies out of meer Libertinism, and having thereby spent most of his Estate, he list'd himself. But having found that the Profession of Arms was not his Talent; he went, by Advice of the Oracle at *Delphos* (which he consulted) to *Athens* at 18 Years of Age, and studied there Philosophy under *Plato* till 40; in which time having made away with his whole Patrimony, he was forc'd to sell Sweet Powders, and exercise Pharmacy for Bread. After his Master's Death he left *Athens*, and retir'd to *Alterna*, a small Town in *Myfia*, near the *Hellepont*, commanded by his old Friend *Hermias*, who gave him his Sister, and adopted Daughter *Pythias* in Marriage; whom *Aristotle* (it is said) lov'd to a Degree of Idolatry. *Hermias* being about three Years after taken by the *Persian* General, *Aristotle* withdrew to *Myleene*, the Capital of *Lesbos*, where he staid till *Philip* of *Macedon* sent for him to be Tutor to his Son *Alexander*, then 14 Years old, which he undertook, and succeeded so well in 8 Years time, that he thereby procur'd Statues to be erected in Honour of him, and *Stagira* to be rebuilt, which had almost been ruin'd by the Wars.

Afterwards losing *Alexander's* Favour, for adhering to *Callisthenes*, his Kinsman, accus'd of a Plot against *Alexander's* Life; he retir'd to *Athens*, where he set up his new School, so famous afterwards for the Number of his Disciples. 'Tis not to be credited that he conspir'd against *Alex*

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Alexander (tho' he was so thought of) because that Prince at the same time order'd him to study Animals, and as an Encouragement sent him 800 Talents, amounting to 480000 Crowns, besides a great number of Fishermen and Huntsmen to bring all sorts of living Creatures. He quitted *Athens* upon a Process of Irreligion the Priests had mov'd against him, and retir'd quietly to *Chalcis* in *Eubœa*, where he pleaded his Cause in Writing at a distance, and thro' Vexation at not being able to find out the Cause of the Flux and Reflux of the *Euripus*, brought that Distemper upon him, of which he died in the 63 Year of his Age. He compos'd abundance of Books, a considerable Part of which are come to us. The University of *Paris* oblig'd themselves in 1611, to teach no other Philosophy but *Aristotle's*; and this was confirm'd by Act of Parliament in 1629.

(3) *Agathocles*; *ab ἀγαθός*, i. e. *Bonus*, *ἔξ κλέος*, i. e. *Gloria*; A *Sicilian* Tyrant, Son of a Potter, who after he had got to be K. slew all the Nobles. *De quo vid.* Just. l. 22. Having struggled with various Fortune, he was at length poison'd by his Grand-Child *Archagathus*, after he had liv'd 72 Years, and reign'd 28, in the 122 *Olympiad* (as *Justin* reports.) *Plutarch* asserts, that *Agathocles* was not the Son of a Potter, but only bred up in a Potter's House. Historians say, that he would be serv'd both in Vessels of Earth and Gold, to mind himself of his Original, and teach his Children that Virtue must advance them to the Height of Fortune.

(1) *Libertini*

But now to search out the Signification of the aforesaid Words: The *Romans* divided their People into Free-men and Slaves of Free-men, some were of Bond-slaves made Free, whom they call'd *Libertini* (1); others were Free-men born, whom they call'd *Ingenui* (2). The *Libertini* were Citizens of *Rome*, who were three ways

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Manumiz'd

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Manumiz'd or made Free, viz. by Will or Testament, or in the open Assembly of the People, or before some Publick Magistrate, who had Power so to do ; and hereupon probably in ancient Time, when this our Kingdom was much oppress'd with servile State or Condition, the Word *Francklin* (3), for a Man made Free or Enfranchis'd, was in use, except it be thought to have been us'd for a Free-born Man.

But

(1) *Libertini*] *ex liberto natus, aliquantulo pro libertus & opponitur Ingenuo. Libertus quasi Liberatus erat enim potius jugo servitutis addictus. Libertus dicitur respectu privato, i. e. Patroni. Libertinus Publico, i. e. Ingenuorum. Voss.*

Qui Manumissione affecuti sunt Libertatem, Romani Libertinus & Libertini, inferioribus seculis Ingenui dicebantur. (Spelm. Gloss.)

(2) *Ingenui*] *Ingenuus, Ingenuilis. Ingenuus est, qui ex matre nascitur, conceptione, partu, mediocris tempera liberâ, etiam Qui ex servitute Manumissus est. In Manumissionis enim apud Alamannos Formulâ, jubetur, ut semper Ingenuus atque securus existat, unde illis olim Semperfry, quasi semper liber, appellatus est ; vid. Goldast ad Burkhardi, Cap. 9. Gregor. Turon. de Mirac. S. Martini, Cap. 23. Erant enim Ingenui, & possessionem propriam possident ; Vocem nuperi quidam, Classi apud nos plebeia, que Teomen dicitur, genuinè nescio an Latini magis cooptarunt. Quos autem nos liberos, & legales Homines dicimus in Triburiensi Concil. Ann. 895. Ingenui dicuntur. (viz.) Si nobilis Homo Ingenuus in Synodo accusatur, & negaverit, si fidelem eum esse sciverit, cum Ingenuis se purget.*

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*Ingenuilis ad Ingenuum pertinens. Chirographus Leu-
donis Remens. Eccles. Præpositi in Apend. ad Flodoard,
Mansos duos, Ingenuales & vestitos.*

*Galli Ingenuales vocant, quos nos, liberè tenentes, Man-
sesque dividunt in Indominicatos, Ingenuales, & Serviles,
uti nos Prædia, in Dominicalia, libera, & Nativa; eorum
autem Ingenuales non sunt liberi à Rusticis Servitijs, ut
hodiè nostri plerumque liberè Tenentes; sed velut Prisci
nostri Jomanni, agros Domini Colentes. Abundè est istius
Testimonium in libro antiquo censuali Remensis ecclesie,
cujus mihi copiam fecit vir eximius Nic. Fabricius Peires-
chius, Provincia Senator Regius, multà mihi necessitudine
conjunctus. Plura videantur in Mansus Ingenuilis (Id.
ibid.)*

(3) *Francklin] A Free-holder; qui liberè tenet (vid.
Fortescue de laudibus legum Angliæ. Cap. 29.) Libertus
municeps. Trevet in Chron. paulo àntè Ann. Dom. 1307.
Thomas Brotherton (Filius R. Edouardi I. Marescallus
Angliæ) Apres le mort de son pere, espõsa la fille de un
Franclein, apele Alice. vide egregiam ejus Descriptionem
in chauceri peregrinorum characteribus, & vid. Fortescue
Ll. Ang. Cap. 29. (Spelm. Gloss.)*

(1) *Horace*

But they were call'd *Ingeniui*, or Free-born
Men, who neither themselves, nor their Ance-
stors had ever serv'd as Slaves; and their Ance-
stors they reckon'd up even from their Grand-
Father, (as may be read in *Livy*.)

Freedom of Birth open'd a Way to all Degrees
of Honours, which (even as Political Nobility)
were either Native or Dative, *i. e.* by Birth or
Gift. Dative Freedom was by certain Magistrates
given, and at length only by Princes themselves,

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and that two manner of ways ; the one secretly, and not so plainly, by the Gift of a Ring ; the other more expressly by Name, and perfectly, by restoring of Men to their Birth and Blood. And whereas Men of servile Condition were but by one Name call'd and known, Free-born Men, and Men of free Estate and Condition, had two or more Names. And the Name which they took from their Stock or Family is call'd *Gentile*, or proper to those of that Race and Kindred. Nevertheless, it is to be noted, that Names given by chance sometimes become proper to a Stock or Family. As *Tullius* was a Name proper and peculiar to a Family, But *Cicero* was a Name gotten by chance, and feign'd of the Pulse call'd *Cicer* (or Chick-Pease) the Form whereof one of that Family had upon the End of his Nose, who thereof was first so Sir-nam'd ; but that same Name of *Cicero* began to be *Gentile*, or proper to that Family, as to *Cicero* the Orator, his Brother, and their Posterity : *Tully* in his *Topicks* defineth *Gentiles* *esse qui eodem inter se sunt nomine, quia in genere oriundi sunt, quorum majorum nemo servitutem servierit, qui capite non sunt diminuti.*

They who were call'd *Gentiles* (or of the same Stock, or Family) were of Necessity to be

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descended from *Ingenui* or Free-born Men; for of Slaves, or those whom they call'd *Libertini*, or Men of Slaves made Free, there is no Stock or Family. Wherefore the Right of Gentility, or of having of a Stock and Family, altho' it was different from Nobility, yet it is not to be doubted, but that it was in great Esteem and Reverence among the *Romans*, and that they desir'd above all things to be call'd *Gentiles*, as Men descended of some good Stock or Kindred; which Desire hath even to this Day possess'd all *Italy*.

For among the *Venetians* they are call'd *Gentilbuomini*, who derive their Stock from the first Inhabitants of that Island, who are themselves *Patricij*, or descended from the Senators; and that Word *Gentilbuomo*, as it were by Hand deliver'd from the *Italians* to the *Frenchmen*, removed to us, and at length together with the new Place of Dwelling, hath begun to put a new Signification, differing from that, which *Gentilis* or *Gentilitas* was of, amongst the antient *Romans*.

For that is false, which some (and they Learned too) have deliver'd, *viz.* That Gentility was proper only to the *Patricij*; since it was common to the vulgar sort of People (as was Inge-

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nity it self) as appeareth by this one Place of *Suetonius*, viz. *Patricia Gens Claudia* (*fuit etiam & alia Plebeia nec potentia minor nec Dignitate*) *orta est in Regillis*. ' The *Claudian* ' Stock and Family, of the Order of the *Patricij* (for there was another House of them ' also of the Commonalty neither in Power or ' Dignity inferior to the other) had its Rise at ' *Regilli*. But they seem to have been deceiv'd by that which *Livy* writeth, viz. That *Romulus* created an hundred Senators, whom he call'd *Majorum Gentium* (or of the greater Families): And *Brutus* another hundred also, call'd *Minorum Gentium* (or of lesser Families.) But this proveth not that we must grant, that only they of the Order of the *Patricij* had a Stock or Family. Neither did this so calling of them *Majorum & minorum Gentium*, divide them from the common People, but themselves amongst themselves only: For whereas they were all chosen of Free-born Citizens (who had their Stock and Family) yet such of them as *Romulus* had created, brought the Honour of the Order of the *Patricij* sooner into their Stock and Family, than they did, whom *Brutus* added and fitted to them. They are also call'd *Gentiles*,

who

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who in likeness of Name agree amongst themselves, or wear the same Coat of Arms (1).

Amongst the *Athenians*, they were call'd *Genita*, i. e. *Gentiles*; not they who were join'd amongst themselves in Stock or Blood, but were of those sort of People who, divided into Wards, grew into a certain Society and Fellowship amongst themselves; for amongst the *Athenians* there were four Tribes, and every Tribe was divided into three Wards, which made twelve Wards; and every Ward was divided into thirty Parts, which they call'd *Gentes*, or Kindreds. But to set this Matter in a clearer Light, take what follows out of the *Grecian History* it self in these Words, *viz.* *Cecrops* (2) the first, after he had settled a Form of Government amongst the *Athenians*, for the better Administration of Justice, and the Prevention of Deceit, and over-reaching one another in Commerce, divided them into four φυλαί or Tribes; each Tribe he subdivided into three Parts, call'd τριῖνες ἑθνότητες, or *τριετία*: and each of these into thirty εἰρη, or Families; which because they consisted of thirty Men, were call'd ὁμογάλακτοι, and γενῆς, not from any Relation

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(1) *Cicero*.

(2) *Potter's Greek Antiquities, Vol. 1. Cap. IX. p. 47.*

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lation to one another, but only because they liv'd in the same Borough, and were educated together, and join'd in the same Body and Society. But to return again to the Purpose.

Why a Stock or Family among the *Romans* is to be deriv'd from the Grand-Father, nor could consist but into two at the least, viz. Grand-Father and Father; some think the reason to be, because the *Latin* Word *Gens* signifieth a Multitude, which requireth more than One; and yet *Gens* seemeth to be called (as it were) *Genus* (*i. e.* a Stock or Kindred) the Letter *u* being taken away: However these two Words differ the one of them from the other, inasmuch as *Genus* signifies a Stock and Beginning; but *Gens* importeth (as it were) a certain Multitude of Stocks, and of Beginnings of Families and Houses.

Ingenuity, or Freedom of Birth, had the Ornaments thereof from Nature, and respected Liberty, which it still deriv'd from the Grand-Fathers. But Gentility was a Matter of the Civil Law, and referr'd to the Antientness of *Agnation* (or Kindred by the Father's side) differing from the other only in Antiquity of Stock; for it is not needful to derive or take *Agnation* farther than from the Father; which if it be so, then Gentility and Nobility are not all one and

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the same Thing; and they confound Gentility (whereof the common People no less brag and boast than do the Noblemen) with Nobility, who deny him to be a Nobleman by Birth, whose Grand-Father was not Noble; neither agree they with themselves, when they dare affirm (but by what Authority I know not) Nobility, together with the Seed of the Parents to be pass'd over to their Posterity according to this Poetical Saying,

*Qui viret in folijs, venit à radicibus humor;
Et Patrum in natos abeunt cum semine mores.*

And thus out of *Horace* (1), lib. iv. Od. iv.)

*Est in juvenis, est in Equis Patrum
Virtus; neque imbellem feroces
Progenerant Aquilæ Columbam.*

By which Analogies the Learned Poets verily went about to stir up noble and courageous Youths to an Imitation of their Father's Virtues; being otherwise not ignorant, that Nobility, whereof I treat, is a Thing Political and Civil, not Natural. And indeed of irrational Creatures, there be divers Kinds, but of Men there is but one Sort. Hence as an Eagle bringeth not forth a Dove, so neither doth a Man beget an Hare. But admit that good Men are begotten of good Parents, and valiant Men of valiant

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liant Fathers ; and if this be to Mankind proper, why are not good and valiant Children begotten of good and valiant common Persons also ? For they are Men as well as the other. But nothing is more deceitful than this Rule ; for, thro' the Corruption of Man's Nature, we see it often happen, a Prodigal Son to be born of a Frugal Father, a Fool (2) of a Wise Man, and a Coward of a Courageous Man. Nor is this any Novelty or new Matter, but such as took Root even in the first Depravity of Human Nature.

For

(1) *Horace*] (*Quintus Flaccus*) A Latin Poet, born at *Venusium*, a City in Italy. He fought at the Battle of *Philippi* for *Brutus* and *Cassius*. He was in great Favour with the Emperor *Augustus*, by Means of his Patron *Mecenas*. At his Death he made *Augustus* his Heir. The Fruit of his sharp Wit, and Quickness of Judgment, we have in those Poems which bear his Name, viz. his Odes, Satyrs, and Epistles. *Quintilian* saith, that amongst the Latin Lyrics, *Horace* is almost the only one worth reading. He dy'd *An. Rom.* 746 or 747, Aged 57.

(2) *A Fool of a Wise Man*] Tho' I have laid down in the Text, That the Cause of the Degeneracy of Children from their Parents proceeds from the Corruption of Humane Nature, yet 'twill not be amiss to entertain the Reader with a pretty Reason (out of *Bayle*) how Wise Men come to get Fools to their Children ; for by this pleasant Amusement, I shall act agreeable to this old Rule, viz.

Interpone

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*Interpone tuis interdum Gaudia Curis,
Ut possis melius quemvis tolerare laborem.*

Agnes (saith *La Mothe le Vayer*, in the 20th Academical Homily, *Tom. XIV.* of his Works, pag. 291.) Widow to *Henry* the 3d, ask'd, by a Bishop, this pretty Question of *Peter Damianus*, one of the most understanding Church-men of his Age, *Utrum liceret Homini inter ipsum debiti Naturalis egeriem aliquid ruminare Psalmodium?* It was decided in the Affirmative, as *Baronius* informs us, upon the Authority of the Text of *St. Paul*, in his first Epistle to *Timothy* (Chap. 2.) which says, that God may be pray'd to every where. Is it possible that there hath been an Empress so weak, as to propose such Questions? And if the Curiosity of a Woman extended so far, ought any grave Casuist to examine them? It is a true saying, that a Man's Mind will leave nothing unstir'd: The most gloomy and dark Recesses are not without its Reach, and against all the Rules of Decency it will carry there a Torch. I will observe by the Bye (now I am come to the Point) that one of the most eminent of *Aristotle's* Commentators would have answer'd the Empress's Question quite otherwise than *Peter Damianus* did. He had maintain'd, that the publick Welfare requires, that in this Action, as much as in any other, *Hoc Age*, and nothing else, should be remember'd; for he pretends, that the Reason why the Children of ingenious and learned Men are commonly dull and stupid, is, because their Father's let their Thoughts go astray, when they should think on something else. On the contrary, you see some Loggerheads who get Children of admirable Parts, because they get them in Earnest, and not for Fashion-sake. They mind what they do, and nothing else, and wholly apply themselves to the Business in Hand. Read this Latin; *Alexander Aphrodisæus magno se labore conficit, dum Causam conatur investigare & tradere cur non raro contingat, ut crassus quispiam, tardus ac propemodum Hebes, liberos gignat solertes, Prudentes & Acutos; cuius rei causam hanc tandem statuit, quod qui tardiore est Ingenio, is in ipso Coitu ita se totum presenti Voluptati percipiendæ addicit, ut nihil aliud animo cogitet, quam totum*

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totum Corpori immersum detinet ; itaque ex eo Corpora ductum & haustum Semen, cui Spiritus admixti sunt, multum habet ipsius Facultatis intelligendi : quo fit ut liberi nascantur ipso Patre Prudentiores. E diverso ; Qui Ingento sunt Acuto, aut etiam Eruditione præstant, quia eorum Animus in perpetua quadam cogitatione versatur, in ipso venereo complexu alias res agunt ; Quare Semen, quod tunc profluit, quum nihil nisi Corporeum habeat (Animo nempe tum peregrinante) non multum illius Præstantissima Facultatis habet. (Corrasius. Not. 5. in Arrestum Parliamenti Tholos. p. m. 21. He quotes Alex. Aphrod. Prob. Lib. 29.) A great many Physicians have vented this fine Doctrine. Read only Gaspar a Reies, in his 76th Question, where he says, among other Things, That wise and thoughtful Men, who perform matrimonial Duties, not so much to gratify their Inclinations, as to keep Peace at Home ; and who, even in the very Performance, have their Minds taken up with Philosophical Notions, see their Children degenerate : He adds, That for a contrary Reason, Bastards are generally strong and ingenious : *Nec ipso quidem venereo congressu, omnino rerum studio & contemplatione desistunt Prudentes, a quibus cerebrum debile redditur, quo fit ut plerumque tales minus Salaces, minusque fervidi sint, & qui non magno pere hanc Monomachiam ardentius expetant, imo delictent potius, & velut inviti accedant, tantummodo ut uxoribus gratificenter, easque pacatiores experiantur, siquæ ad concubitus debitum solvendum magis videntur accedere, quam anide expetere.* (Gaspar a Reies in jucunda Elysia. quest. Campo quest. 76. pag. 1035.) His Advice is very wide of the Decision sent to the Empress Agnes, (viz.) *Igitur qui optima & similis Prolis desiderio tenentur, non secus ac Bruta totos se veneri tradere debent, & illius Illecebris cum uxoribus attentos esse necesse est, aliter quin si aliter Imaginationem occupatam habeant, vel conceptus impediatur, vel proposito optima Prolis fine minimè potentur.* (Id. Ibid. pag. 1026.)

And of the Doctrine of the Rabbins, viz. The Husband and Wife are forbid to speak a Word in the Act of Conjugal Duty, or to have any but pious Thoughts, without any Application to the Pleasure ; declaring to them, that if they act otherwise, their Children will be born de-

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form'd. This Advice is to be found in a Book, whereof *Arodon Benjamind*, a German Jew, is the Author, full of Precepts for Women. It was translated from the German into Italian by Rabbi *Jacob Alpron*. That Translation was Printed at *Venice* in the Year 5412, according to the Jewish Calculations (which answers our 1652.) after it had been exactly corrected by Rabbi *Isaac Levita*. That Book is very full of Observances, not only for the Cleanliness of the Body, but also for the Practice of Prayer and good Works. The Observances of the first Kind contain several superstitious, trifling Niceties, or Regularities; and there is sometimes a great deal of Rigour in those of the second. See what has been said in the *News from the Republick of Learning* (for November 1685. p. 1240.) concerning a Book of Mr. *Tvon*, a Minister of the *Labadists*. So great a Purity in this Kind of Pleasure is rather to be wish'd than hop'd for; nevertheless the Casuists are to be commended for insisting upon it, and endeavouring to introduce Purity, where the Passions of a Brutal Lust have but too much Sway. Had our Rabbi believ'd, as the Church of *Rome* does, that Marriage is a Sacrament, he could not have requir'd more holy Dispositions from the marry'd, than those he demands: He imposes upon them, at the same time, the Law of the *Favete Linguis* (*Hor. Od. I. Lib. 3.* See his Commentators on this Place) the Observation whereof the Pagans recommended in their great Mysteries, and that of *Sursum Corda*, which the Ancient Church never forgot to notify in the Celebration of its most August Ceremonies. In a Word, it is certain, that had he receiv'd the Doctrine of Jesus Christ with a true Faith, and had been animated with the Spirit of Grace, he could not have given Counsel more worthy of the Evangelical Purity. This ought to shame the loose Casuists, who are so common among Christians. Note, That the Rules of this Rabbi do not at all agree with the Advice of Physicians; these pretend, that a Child conceiv'd under Distractions of Mind, I mean, under serious, grave, and immaterial Thoughts, is silly, foolish, and weak; and they give quite other Instructions to those who desire Children; (*Roderick de Castro de Natura Mulierum, Lib. 3. c. 5.*) but any one of tolerable Sense will grant, that they lead Mankind

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Mankind into a very School of Chastity; their Precepts are calculated only for those who would limit all Things to an animal, earthly, sensual, and epicurean Life. We must go to that Rabbi's School, if we would learn to demean our selves in that Part of Duty like Creatures endow'd with a Spiritual Soul, and not deserve the Censure,

O curvae in terras Anime, & caelestium inanet.

(Pers. Sat. 2. v. 16.)

We shall the better comprehend how excellent and sublime the Morality of that Jew is, if we remember it is directly opposite to the Maxims of those Doctors of Impurity, who have fill'd their Poems with so much Lasciviousness. These dangerous Poisoners are far from advising Silence; and it is that made a modern find some Proof of the Interpretation, which he has given to the Words of a Greek Poet, which contain the Description of the Grotto of the Nymphs. 'As for the pleasant Murmurs (says he) mention'd by Homer, they are without doubt those obliging Words of Lovers, the *O mio Cor mio* of the Italians; the *ὦν ἡ ψυχή* of the Greeks; and the *Xima de mi Alma*, Soul of my Soul, of the Spaniards, which accompany the most favourable Privacies, and which make the most learned of all the Poets in *The Art of Love* to say, viz.

Accedant questus; accedat amabile Murmur;

Et dulces gemitus, aptaq; verba joco.

(De Arte Amandi.)

Hear what he says in another Place;

Et mihi Blanditias dixit; Dominumq; vocavit

Et quae praeerea Publica verba juvant.

(Amor. El. 6.)

I will not inform you, that the Term (*juvare*) is altogether Critick, and consecrated to the utmost Delights of Love, which these two Verses of the same Author express again, as well as the Murmurs.

Me voces audire juvat sua gaudia fassas

Utq; morer, me, me, sustineamque roget.

(De Arte Amandi.)

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The famous *Epithalamium* of the Emperor *Galenus*, which *Trebellius Pollio* prefers before those of an Hundred other Poets, who all exercis'd themselves on the same Subject, does wonderfully well represent this soft and obliging Murmur, and the Caresses which are inseparable from it. It is said, that holding the Hands of two of his Brother's Children, when he marry'd them, he pronounc'd these Verses of his own making.

*Ite, ite, o Pueri, pariter Sudate Medullis
Omnibus inter Vos ; non Murmura vestra Columba,
Brachia non Hedera ; non vincant oscula Concha.*

It's certainly very hard to say any thing more Pathetick, or Passionate, on this Head. To be diametrically opposite to these false Doctors, those Plagues of Youth, is no small Commendation ; it is a just Presumption, that the Morality which one advances is of admirable Purity. Add to all this, the judicious Answer of the famous Mr. *Drelincourt*, to a Bishop who had made use of an Observation altogether unbecoming, I won't say of a Person of his Character, but even of a Laick, who did not highly relish a wanton Style. These are Mr. *Drelincourt's* Words, ' Instead of washing out with his Tears those ways of speaking, that the Virgin *Mary* is the Spirit and Life of Christians, he defends them with Railleries, which would better become those who tread the Stage. You, Gentlemen, says he, Pastors of the Protestant Church, who have your Counterparts, not as inseparable Accidents of your Substance, so much as Bone of your Bone, and Flesh of your Flesh ; nay, who are but one Flesh in two Persons, have indeed much more caressing Terms for those Souls of your Souls, those Lives of your Lives, those Lives of your Hearts and Souls, those Souls of your Lives and Hearts, than all the World knows of ; for you are those Spiritual Persons who judge all the World, nay, the very Angels ; and with much more Reason the *Romanists*, without being subject to be judg'd by any. I do not know how he might have his Information, and sha'n't answer for what those say who have Wives by stealth. But a grave Person, who lives in a chaste Marriage, does not study such extravagant Rhetorick.

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rick. The Prelate reply'd in a manner so Burlesque, that nothing could exceed it.

But to return (after this Digression) to the first Matter, Cicero would have laugh'd at this pretended Cause of the Dulness of Children; for he says, the Soul is so absorb'd, that it is not capable of any reasonable Act. *Cujus (voluptatis) motus ut quisq; est maximus, ita est inimicissimus Philosophia; congruere enim cum Cogitatione magna voluptas Corporis non potest: Quis enim, cum utatur voluptate ea, quâ nulla possit esse major, attendere Animum, inire rationem, aut cogitare omnino quidquam potest?* (Cicero in Hortensio apud Augustin. contra Pelagium, Lib. IV.) He has confirm'd this in another Book, by the Authority of a great Pythagorean Philosopher (*Architas Tarentinus*) *Cumq; Homini sive Natura, sive quis Deus nihil Mente prestatilius dedisset; huic divino muneri ac dono nihil esse tam inimicum, quam voluptatem; nec enim Libidine dominante Temperantie locum esse, neq; omnino in voluptatis Regno Virtutem posse consistere; quod quo magis intelligi possit, fingere animo jubebat; tanta incitatum Aliquem voluptate Corporis, quanta percipi possit maxima; nemini censebat fore dubium, quin tam diu dum ita gauderet, nihil agitare mente, nihil ratione, nihil Cogitatione consequi posset; quocirca nihil tam detestabile, tamq; pestiferum, quam voluptatem; siquidem ea, cum major esset, atq; longior, omne animi lumen extingueret.* (Cicero, de Senectute, c. 12. p. m. 417.) This is Cicero's Opinion, which is agreeable to that of the greatest Men of Antiquity.

Hippocrates and *Democritus* call'd the Venereal Act, a small Epilepsie; what can be added to this Definition? Doth it not emphatically express that such a Condition allows not the Soul a Freedom of Thought? But let's not here forget the Divine *Plato*. 'It is reported (says he) that the Gods forgive false Oaths to the Pleasures of Lovers, as if they were Children void of Understanding. *Aristotle* observes, that Pleasures are Clogs to the Faculty of Thinking well; and that those of Love give not the Soul leave to meditate, or examine one Thing. *Montaigne* was not altogether of this Opinion, and he went upon his own Experience. Here are his Words: 'Those who cry down Sensuality, gladly make use of this Argument, 'That

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That when it is at its Height, it masters us so much, that Reason is shut out of Doors; and they alledge the Experience that is made by the Conversation of Women.

---Cum jam prasagit gaudia Corpus
Atq; in eo est Venus; ut Muliebria conferat Arva.

(Lucret. Lib. 4.)

Where it appears to them, that Pleasure transports us so much besides our selves, that our Reason being charm'd and captivated, cannot exert it self. I know that it may happen otherwise; and that if one will, he may arrive at that very Instant to bend his Thoughts on something else; but they must be purposely strain'd and stretch'd. I know that the Effort of this Pleasure may be check'd, and I have some Insight in it; for I have not found *Venus* so imperious a Goddess, as many and more moderate Men than I pretend. (*Montagne's Essays, Lib. 2. Chap. 11. pag. m. 172.*) ' This would be a slender Excuse for those Monks that we attack here. The Observation which an *Italian* Physician hath made, would teach them better their Duty. The very Thought (says he) ' of such an Action oversets Reason, and inspires a sort of a Fury.' Atq; utinam in ipso veneris Actu duntaxat mente privaremur, non etiam in previa Meditatione ad eundem, quem furorem & Rabiem dixit & descripsit Virgilius, Lib. 3. Georg. hisce Carminibus. (He puts here 24 Verses of Virgil). Transimus consulto Carminis Majestatem, Leporem; possuntne aperticribus Argumentis Physicè comprobari, quas Furias addat sola Meditatio veneris non Homini tantum, sed & Brutis quæque ceteris: Pudenda itaq; (it must be noted, that he enquires into the Reason, why those Parts design'd for Generation are call'd Pudenda) vel Partes reprehensibiles existunt, quod Animalia omnia in Rabiem agant, Naturæ cancellis propriis amoveant; in Homine verò maxime omnium jugulent ipsam rationalem Animam. (Marcus Antonius Ulmus Physiologie barba humana, Sect. 2. Cap. 3. p. 128.) We may see in another Place (in one of the Remarks of the Article *Frances*) a Passage of *Melancthon*, which hath some Affinity with this. But we must not refer St. *Augustin's* fine Maxim to another Place. He concludes, Since the Soul is affected with such an Excess

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of Pleasure, as to be incapable of any intellectual Function, every Man who is truly wise, and sensible of Holy Pleasures, had rather that the Conjugal Duty were separated, if possible, from the voluptuous Sensation which accompanies it. *Hec autem (Libido) sibi non solum totum Corpus, nec solum extrinsecus, verum etiam intrinsecus vendicat; totumq; commovet hominem, Animi simul affectu cum Carnis Appetitu conjuncto atq; permixto, ut ea voluptas sequatur, qua major in Corporis voluptatibus nulla est; ita ut momento ipso temporis quo ad ejus pervenitur extremum, pene omnis Acies & quasi vigilia cogitationis obruatur. Quis autem Amicus Sapientie Sanctorumq; gaudiorum, Conjugalem agens vitam, & sicut Apostolus monuit, sciens Vas suum possidere in Sanctificatione & Honore, non in morbo Desiderij, sicut & Gentiles, qui ignorant Deum (1 Thess. 4.) non mallet, si posset, sine hac Libidine Filios procreare, ut etiam in hoc sereno Prolis Officio, sic ejus menti, ea, quae ad hoc opus creata sunt, quemadmodum cetera, suis quoque operibus distributa, membra servirent, nutu voluntatis acta non esset Libidinis incitata.* August. De Civit. Dei, Lib 14. Cap. 16. p. m. 129. (Hist. & Crit. Dict.)

(1) Cain

For cursed Cain (1) was the first-begotten Son of Adam, the best of Fathers; and of him the same Man was good Abel (2) begotten; Jacob (3) also, and Esau (4), were the Twins of a most blessed Father; of which two, God lov'd the one, and hated the other. And if there be any thing of great Operation, which is passed over together with Man's Seed, it is altogether Vice, so far off is it from being of any Vertue, which is ever with Labour and

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Study got, but never born. An Emperor, for his bodily Substance, is no better than another Man; and yet, for the Highth of his Dignity, is most like to God. *Demosthenes* (5), the famous *Grecian* Orator, saith also, wicked Sons (as it were by a certain fatal Destiny) may be born of good Parents. It is also commonly said in the *Greek* Proverb, The Misfortunes of the Worthies Sons. I might produce the Mathematicians (6) and Astrologers (7) Opinions herein, who affirm Nobility and Ignobility much more certainly to depend upon the Force and Influence of the Stars, than the Constitutions of Parents.

And yet the vulgar Sort (and not without Cause) are apt to expect some greater thing in Princes Children than in Poor Mens, of which their Hope and Expectation there are many Reasons alledg'd; as the great Means Noblemen have for the best bringing up and instructing of their Children, (for it would be a Shame to the Son, should he degenerate from his Father's Nobility) in short, the plenty of Kinsmen and Friends giving them good Counsel. Nor was the Poets Mind any other, if we mark his Conclusion,

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*Doctrina sed vim promovet insitam ;
Rectiq; Cultus pectora roborant.*

By Nature's ingrafted or hidden Power, he understands certain Seeds of Vertue, which, by the Goodness of God alone are yet in Man's Nature, which become not otherwise fruitful than the Seeds of Herbs do, according to the Manner and Fashion they are manur'd and order'd with ; so that a Man well brought up may much more easily obtain Philosophical Nobility, than a Man well born.

And therefore poor Country Mens Children, who know nothing more than their Beasts and Cattle, seem rather rude Sylvans than Men ; whereas others born in better Place, even in the same Schools, and same Studies, strive with Noblemens Children (and would to God they did not) both with greater Profit and Commendation.

Other

(1) *Cain*] Whose Name signifies *Acquisition*, was eldest Son of *Adam* and *Eve* ; he slew his Brother *Abel*, without having any regard to God's Admonition, because God had rejected his Offering (which was the Fruits of the Earth) and accepted *Abel's* (which was the Firstling of his Flock) for which God denounc'd against him the Punishment

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ment of Banishment, and a vagabond Life, which made him greatly fear, that the first he met with would kill him. But God Almighty to Silence that Fear set a Mark upon him, thereby restraining the Hands of those who should meet him. Men are not satisfy'd about this Mark, and their Opinions seem meer Visions; but certain it is, that *Cain's* Mark was intended him for his Benefit, *i. e.* to be a Safe-guard to him. After this Murther, he withdrew into the Land of *Nod*, to the East of the Garden of *Eden*, where he built a City, which he call'd *Enoch*, from his eldest Son's Name; surrounded it with Walls, peopled it with Inhabitants, and was the first (according to *Josephus*) who invented Weights, Measures, and Land-Marks; Things very useful in a City, whose Inhabitants *Cain's* Example had accustomed to all sorts of Injustice; and yet *Josephus* inconsiderately blames him for introducing the Use of them; which obliges me to take Notice of a Thing which is but too common, *viz.* When once a Man is grown scandalous for his ill Actions, the very Good he does, shall be laid to his Charge; *Josephus* has confounded Things very easy to be distinguished. Because Weights and Measures have not (forsooth) the Air of Honesty and Simplicity, therefore he thought, that they who first invented them, debauch'd Mankind, teaching them Quirks and new Tricks of Knavery; and yet one must be blind not to see, that on the contrary, the Disease preceded the Remedy, and the Weights and Measures became necessary to keep Men honest in spite of their Teeth; *Cain* did in this, as other Tyrants are us'd to do, who having open'd the Gate to a thousand Disorders, procure wholsom Laws to stop the Progress of them: The antient Tradition of the *Hebrews* has very singular Things concerning *Cain's* Death; for it asserts that he was kill'd by *Lamech*, who seeing the Leaves of a Bush stir, under which *Cain* lay, he shot an Arrow into it, and kill'd him, *A. M.* 688, according to *Torneil* and *Salian*, tho' others think it was in 701. *Verstegan's* Etymology of the Word *Cain* is, *viz.* *Cain*, written in old Teutonic Orthography *Kain* (for that *C* and *K* are therein us'd indifferently) is otherwise written *Quain*, and signifieth wrathful, angry, or shrew'd; and such was that unnatural, wicked Wretch unto his good Brother *Abel*. (*Restitution of decay'd Intelligence.*)

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(2) *Abel*] Second Son of *Adam* and *Eve*, was a Shepherd, and was murther'd by his Brother *Cain*, *A. M.* 130, because God accepted his Offering, and rejected his Brother *Cain*'s. (*Gen.* chap. 4.) 'Tis a Question whether *Abel* died in Celibacy; some of the Fathers, viz. *St. Basil*, *St. Ambrose*, &c. think he died a Batchelor. If *Etychius*'s Tradition were true (which I shall mention by and by) his Celibacy is undubitable; for according to that, his Death happen'd before the Marriage of the two Brothers. It seems not at all probable to those, who believ'd *Abel* liv'd 129 Years, that he died in Celibacy; Continenace was not in those Days a proper Thing; for it was necessary to People the World. Father *Salian* (*Annals* pag. 184.) scruples not to own, that *Abel*'s Celibacy is improbable, nor to shew that *St. Jerom*; *St. Augustin*, and *St. Irenaeus* doubted not of his being an Husband. One of the most judicious Interpreters of the Scripture, (*Cornelius à Lapide*, in *Gen.* chap. 4. ver. 2.) believes with some Rabbins, that *Cain* and *Abel* were Twins. But the Narrative of *Moses* seems clearly to prove the contrary. Various are the Opinions of Men about the Ground of their falling out; some say their Quarrel was a Dispute about Religion, viz. That *Cain* and *Abel* being together in the Fields; The first denied a Judgment, a Judge, an Eternal Life, Rewards for the Righteous, Punishments for the Impious, and Creation of the World by God's Mercy, and Government thereof by the same Mercy; and for no other Reason, but because his Offering was rejected, and his Brother's accepted by God. *Abel* rebuk'd his Brother's Infidelity, and said Yes, where he had put No, and answer'd his main Grievance thus, viz. That God had been pleas'd with his Offering, because his Works had been better. The Dispute growing hot, *Cain* assaulted *Abel*, and kill'd him. If a Religious Dispute occasion'd their Quarrel, it was a sad Beginning of Disputes about Religion, and an ill Omen of the dreadful Disorders they should occasion in the World; besides, it affords us an Instance of the foolish Vanity of Man; he is never so much inclin'd to doubt of a Providence, as when Things fadge not as he would have them, when Things succeed according to his Mind, all his Doubts vanish away, he fancie's (forsooth) that he keeps

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such a considerable Rank in the Universe, that he cannot be over-look'd by an equitable and judicious Dispenser of Good and Evil; *Eftis Iò superi* (ait Statius) one of the best Orators in the 16th Century) *cum convaluisset a periculoso morbo vir eximia probitatis Rutilius Gallicus.* At contra ubi quid contigerat, contra quod æquum esse censerent, Deos aut nullos esse aut credules, aut injustos esse dicebant itaque in morte Tibulli Ovidius,

*Cum rapiant mala Fata Bonos, ignoscite fasso,
Sollicitor nullos esse putare Deos.*

Others will have it, that their Quarrel was all about a Woman; which *Eutychius* (*Patriarch of Constantinople*) delivers to us in his Annals thus, viz. That *Eve* brought forth together with *Cain* a Daughter call'd *Azrun*, and together with *Abel* a Daughter call'd *Owain*, and that the Time of marrying the two Sons being come, *Adam* design'd *Owain* for *Cain*, and *Azrun* for *Abel*, and that he beat *Cain* because he would have his Twin Sister, who was more beautiful. *Eutychius* adds, That whilst the two Brothers were going to offer their Offering on a Mountain, by *Adam's* Order, who desir'd they should perform that Act of Religion before they married, and that the Success of their Sacrifice should decide their Differences, Satan tempted *Cain* to get rid of his Brother *Abel* for the sake of *Azrun*; which hindring his Offering from being acceptable to God, so inrag'd *Cain* against his Brother, that they were no sooner come down from the Mountain, but he threw a Stone at his Head, and kill'd him. This (if true) made the beautiful *Azrun* (whom *Cain* married after that Murther and carried along with him into his Exile) the Cause (tho' innocently) of *Cain's* Crime, and confirms what *Horace* (a Latin Poet) said concerning the Antiquity of the Wars rais'd on Account of Women, viz.

*Nam fuit ante Helenam Mulier teterrima belli
Causa - - - - (Stat. III. lib. I.)*

The Manner of *Abel's* Death is also variously reported. *Eutychius* says, it was with the Throw of a Stone. *Peregrinus* tells us in the following Words, that he tore his

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Brother with his Teeth; *Hebraorum nonnulli tradunt eum fuisse morsibus à Cain dilaceratum.* (*Perer. In Gen. lib. 7. ad ver. 8, 9. cap. 4.*) Others that he knock'd him down with the Jaw-bone of an Afs: This the Painters are mightily taken with, and hold it for true; others that he us'd a Fork. St. *Chrysoftome*, that he stabb'd him with a Sword: St. *Irenaus*, that he kill'd him with a Sythe; *Prudentius*, that he did his Business with a Hedging-Bill. But be the manner of his Death what it will, *Pererius* says, that *Abel* was neither strangl'd nor drown'd the Scripture testifying that he perish'd by Blood-shed. But the manner, how God's Preference of *Abel's* Obligation came to be known, is not so much disputed. It is commonly enough believ'd that Fire fell from Heaven on *Abel's* Offering, and that nothing like it appear'd on *Cain's*. This Tradition is commonly approv'd of by the Fathers of the Church; and that which makes it likely is, *viz.* That Fire descending from Heaven on several Occasions (as at the Consecration of *Aaron*, *Gideon*, and at the Sacrifices of *David*, *Solomon*, and *Nehemiah*) shew'd that God was well-pleas'd with and approv'd of the Sacrifice.) See the Book of *Judges*, chap. 6. The 1st. Book of *Kings*, chap. 18. The first Book of *Chron.* chap. 21. The second of *Chron.* chap. 7. The second of the *Maccabees*, chap. 1. (*Bayle's Hist. and Crit. Dict.*) *Abel* or *Able* (according to *Verstegan's* Definition of the Word, in his *Restitution of decay'd Intelligence*) signifieth one that is sufficient, an Able Man, for Able in *Teutonick* is written *Abel*, and in this first Bearer of that Name rightly signifieth a Man enabled unto the Service of God; for so was indeed this Protomartyr of the World,

(2) *Jacob*] *Isaac's* Son of *Rebecca*, born A.M. 2199. His Story is to be found from *Gen.* 25, to 47. *Josephus*, *Tor-neil*, *Salian*, &c. add, that he was particularly well vers'd in Astrology, and taught it to his Children.

(4) *Esau*] The Son of *Isaac* and *Rebecca*, born A.M. 2199, together with his Brother *Jacob*. He was also call'd *Edom*, and was the Father of the *Edomites*. See *Gen.* 25, 26, and 26. He is call'd *Prophane* by the Apostle, because with his Birthright he sold the Priesthood also,

(5) *Deu*

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(5) *Demosthenes* the most Famous Orator of *Greece*, the Son of a Blacksmith, born *Ann. Rom. 373*, was left Fatherless in his Infancy, and much neglected by his Guardians: He was *Isocrates's*, *Plato's*, and *Isæus's* Scholar. Having an Impediment in his Speech that he could not pronounce the Letter *R*, by putting Stones in his Mouth, and declaiming upon the Sea-shore; he arriv'd to a Perfection of Speaking. At 17 Years of Age he pleaded against his Guardians, who were condemn'd to pay him 30 Talents, which he generously forgave. He oppos'd *Philip* King of *Macedon*, as much as he could, and *Alexander* the Great after him. When *Antipater* succeeded *Alexander*, he fled to the Island of *Celauria* to save his Life: *Archias* was sent to apprehend him, but he to prevent it drank Poyson, which he had prepar'd and kept in his Pen for that Purpose, and so ended his Life in the 114 Olympiad, *Ann. Rom. 432*.

(6) *Mathematicians*] *Mathematici* are those who are skilful in *Mathematicks*, which Originally signifies any Discipline, or Learning; (*Μαθηματικὴ ἀριθμητική, unde μαθηματὶς disco*) but now 'tis properly that Science, which teaches or contemplates whatever is capable of being numbred or measur'd, as it is computable or measureable.

And that Part of *Mathematicks*, which relates to Number only, is call'd *Arithmetick*. That which relates to Measure in general, whether Length, Breadth, Motion, Force, &c. is call'd *Geometry*.

Mathematicks may be reckon'd either,

1. Pure, Simple or Abstracted, which considers abstracted Quantity without any Relation to Matter, or sensible Objects, or,
2. Mixt *Mathematicks*, which is interwoven every where with Physical Considerations.

Mathematicks also is divided into Speculative, which proposes only the Simple Knowledge of the Thing propos'd, and the bare Contemplation of Truth or Falshood. And Practical, which teaches how to demonstrate something useful, or to perform something that shall be propos'd for the Benefit and Advantage of Mankind. (*Harris's Lexicon Technicum*, Vol. I.)

(7) *Astrolo-*

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(7) *Astrologers*] (*Astrologi*. Ἀστρολογί, ab Ἀστρον, ἔσ
 λίσμ, i. e. *Computatores à Computandis astrorum motibus*)
 are those, who are skilful in Astrology; an Art, which
 pretends to foretel future Things from the Motion of the
 Heavenly Bodies, and their Aspects to one another; and
 also from some imaginary Qualities, which the foolish
 Admirers of this Cheat will have to be in the Stars, as
 the Causes of great sublunary Effects; tho' they have no
 tolerable Grounds to prove that there are any such Things.
 And therefore as I wish that such a ridiculous Piece of
 Foolery as this may be quite forgotten, so I have every
 where omitted explaining any of its Terms, unless they
 fall in with *Astronomy*, which is a Mathematical Science,
 teaching the Knowledge of the Stars or Heavenly Bodies,
 and their Magnitudes, Distances, Eclipses, Order, and
 Motions. By some it is taken in so large a Sense, as to
 contain in it also the Doctrine of the *Mundane* System,
 the Laws of the Planetary Motions, &c. which others
 reckon as a Part of Physicks or Natural Philosophy.
Astronomia (Ἀστρονομία) i. e. *Astrorum Distributio*. (*Id.*
Ibid.)

(1) *Lawyers.*]

Other Reasons yet remain, which prove Political Nobility not to be a Thing substantial, but meerly accidental, since it may be both present and absent without the Interruption of the Subject whereof it depended; so that the Passage thereof may be obstructed by the Commission of some heinous Offence; it is also lost by voluntary departing from, or relinquishing of the same; (*For Naturam expellas furcâ licet usque recurret*, which we read to have been done by many of the *Roman Patricij*, who refusing their

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their *Patrician* Dignity, took upon them the State and Condition of the vulgar sort or Commoners. Now many through the Lawyers (1) Terms are in this Matter deceiv'd, who call the Extinguishing of Nobility, for some Offence committed, the Corruption of Blood; which manner of Phrase and Speech they use not, because Native Nobility is naturally and essentially in the Humour of the Blood, more than any other Hereditary Faculty: But because the Right of Inheritance, which by the Degrees of the Communication of Blood is directed, is by that means determin'd or ended, and in hatred of the Crime it is call'd Corruption, with the Infection whereof all their Children are polluted and defil'd,

Nor

(1) *Lawyers.*] The less I meddle or concern my self with these Gentlemen the better; therefore I shall only lay down to my Reader their Right, with regard to the Liberty of contradicting themselves according to *Cicero*.

Anthony (Mark) one of the best Orators that ever pleaded in *Rome*, and (as *Cicero* says, whose Judgment is to be depended upon in those Cases) an Instance that *Italy* could boast of, equaling *Greece* in the Art of speaking well, and the greatest Ornament of his Family, never would publish any of his Pleadings, for fear he should be convinc'd of speaking in one Cause contrary to what he might alledge in another. The Morality of the Bar did not think it a Scandal in those Days for a Man to unsay Things in Favour of his Client. This Fact, and the Reason of it, are

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are two Things remarkable enough to deserve any alledg-
ing Proofs of both. *Cicero* and *Valerius Maximus* are
my Vouchers. Hear what *Cicero* says : *Hominem Inge-
niosum M. Antonium aiunt solitum esse dicere, idcirco se
nullam unquam Orationem scripsisse, ut siquid aliquandò
non opus esset ab se esse dictum, posset se negare dixisse.
(Cicero in Oratione pro Cluentio).* Let's hear also what
Valerius Maximus says ; *Jam M. Antonio remittendum
convitium est, qui idcirco se aiebat nullam Orationem Scrip-
sisse, ut siquid superiore judicio actum, ei quem postea de-
fensurus esset, nociturum foret, non dictum à se affirmare
posset : qui facti vix prudentis tolerabilem causam habuit,
pro periclitantium enim Capite non solum eloquentià sua
uti, sed etiam Verecundia abuti erat paratus. (Val.
Maxim. Lib. VII. Chap. XIII. No. V.)* I don't think any
Critick so unreasonable, as to maintain, that I do not
transcribe the Word (*Scribere*) right ; every Reader, that
has common Sense, will comprehend that *Mark Anthony*
never meant to say, that he pleaded Extempore, that he
wrote down nothing that he offer'd before the Judges ; for
if this had been his Meaning, he would have given an im-
pertinent Reason for his Conduct, seeing he had no more
Aim, than the preventing any one's making use of his own
Weapons against him : And this he might equally have
done, whether he wrote, or did not write down his Plead-
ings, provided he did not publish them ; a Manuscript hid
in a Chest cannot convict one at the Bar of having former-
ly maintain'd an Opinion quite contrary to what he ad-
vances at present. The Man will deny it with the same
Assurance, as if he had pleaded Extempore, without any
Fear of being condemn'd to produce the Original of his
Plea. Let us conclude then, that the Business here is not
about writing or not writing down what a Man speaks,
but about publishing, or not publishing it. Were it ne-
cessary to offer Proofs in a Case so clear, I could soon pro-
duce two very strong Ones : The first should be taken
from a Place in *Cicero*, where *Brutus* complains, that
Mark Anthony, the Orator, had given but one very small
Book to the Publick. (*Vellem aliquid Antonio prater il-
lum de ratione dicendi sanè exilem libellum - - - libuisset
Scribere. Cicero in Bruto. p. m. 278.*) He there makes use
of the Word (*Scribere*). The second I might take from
that

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that Oration of *Cicero*, in which the Fact in Question is mention'd ; for *Cicero* intending to shew, that *Mark Anthony* did not guard as much as he imagin'd, represents not, that an Advocate is oblig'd to produce the Original of his Plea, but that there are Auditors, who remember a long time after, what they heard a Lawyer offer (*perinde quasi quid a nobis dictum, aut Actum sit, id nisi literis mandaverimus, hominum memoriâ non comprehendatur. Id. in Oratione pro Cluentio.*)

The Precautions of this Advocate are necessary for Persons of his Profession ; and yet not always sufficient to save their Honour. I remember a Letter, that was publish'd in the Year 1685 (the second of the new Letters against *Maimbourg's* History of *Calvinism*) enquiring into the Causes of the Contradictions of Authors. The Lawyers are there brought upon the Stage, and here's what is said on their Article ; It is sometimes diverting enough to hear the same Lawyer plead in one and the same Week for an Husband against his Wife, and for a Wife against her Husband ; if he has a fruitful Imagination, he dwells altogether in his first Plea upon the Power of Husbands ; he grounds his Arguments on Nature, on Reason, on the Word of God, and on Custom : He quotes the Scriptures, he quotes the Fathers, the *Civilians*, and those who have wrote Travels ; he declaims against Women, and dwells only on general Propositions : Two Days after the Scene changes ; he entertains other Thoughts quite contrary to the former ; he calls the Husbands Authority Usurpation ; he runs over the Holy Scriptures, The Code, Physick, History, and the Moral Laws in favour of Women, still haranguing on general Principles ; for a vehement Spirit thinks it proves nothing, unless it affirms and denies without exception ; and consequently if oblig'd to maintain opposite Interests, must necessarily contradict it self. It must be own'd, that a Lawyer, who pleaded publicly with all the Fire of his Imagination for the Privileges of Women, might be confuted the easiest in the World, next time he pleaded for the Privileges of Men ; there needs no more, than referring him to his own Minutes. Our Orator (*Mark Anthony*) would fain have avoided this great Inconveniency, and enjoy'd the Liberty of Contradicting himself, by maintaining this Day one Thing, and to
Morrow

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Morrow another, according to the Interest of his Clients, it were easy to shew, that Lawyers are not the only Persons who make use of this Way: Our *Polemick Divines* do the same, according to the different Tenets of those they have to deal with.

We have seen how *Cicero* has observ'd, that the good Memory of the Auditors is the Bane of Lawyers, who contradict themselves (It's as great a Plague to Ministers, who, far from contradicting themselves, repeat from Time to Time, almost Word for Word the same Sermon). If he had given Examples, he might have better made it appear, that the Precautions of *Mark Anthony* were insignificant; but it must be own'd, that what he adds is sufficient to justify the Conduct of that Orator; 'tis this, *Marcus Brutus* pleading against *L. Plancius*, who was defended by *L. Crassus*, got two of his Friends to stand up in Court and read out certain Passages in an audible Voice, which he had cull'd out of two Speeches of *L. Crassus*; some highly raising the Authority of the Senate, and others depressing it: This put the Orator a little out of Sorts, and oblig'd him to frame Excuses on the Difference of the Times and Causes, which had extorted contradictory Opinions from him; *Ego verò* (says *Cicero Orat. pro Cluentio*) *in isto genere libentiùs cum Multorum tum Hominum Eloquentissimè & sapientissimè L. Crassi Autoritatem sequor, qui, cum L. Plancium defenderet Accusante M. Bruto, Homine in dicendo vehementi & callido, quum Brutus duobus recitatoribus constitutis ex duabus ejus Orationibus capita alterna inter se contraria recitanda curasset, quod in dissuasionem rogationis ejus, qua contra coloniam Narboniensem ferebatur, quantum potest de Autoritate Senatùs detrahit; in suasionem legis Servilia summis ornatum Senatùs laudibus, & multa in Equites Romanos, quum ex ea ratione asperius dicta recitasset, quo animi illorum Judicium in Crassum incenderentur, aliquantum esse commotus dicitur: Itaque in Respondendo primum exposuit utriusque rationem temporis, ut Oratio ex Re & causa habita videretur; Cicero did not stick at disapproving the Part which *L. Crassus* chose on this Occasion; *Cicero*, I say, who had found himself in the same Circumstances, his Adversaries having repeated a Passage in one of his Speeches, quite contrary to an Argument he had then in*

Hand;

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Hand ; he answer'd, that the Scrap they repeated, did not contain his true Sentiments ; and that what a Man offers as an Advocate, ought not to be consider'd, as if spoke by him in Quality of a Witness ; that it's the Language of the Cause, and not that of the Orator. This is plain, enough they must speak according to the Interest of the Cause, and the Conjunction of Time, and not according to their Private Opinions. *Ego, siquid ejusmodi dixi* (Idem Ibid.) *neq; cognitum commemoravi, neq; pro Testimonio dixi ;* Et illa Oratio potius Temporis, mei quam judicij Et Autoritatis fuit --- errat vehementer siquis in Orationibus nostris, quas in Judicijs habuimus, auctoritates nostras consignatas se habere arbitratur ; Omnes enim illae Orationes causarum Et temporum sunt, non Hominum Ipsorum aut Patronorum ; nam si Cause ipsa pro se loqui possunt, nemo adhiberet Oratorem ; nunc adhibemur ut ea dicamus, non quae nostra auctoritate constituentur, sed quae ex Re ipsa causaque dicantur. Add to this, the Words that Cicero puts in the Mouth of the Orator Mark Anthony. *Oratoris omnis actio opinionibus, non scientia continetur,* (Id. de Oratore) nam Et apud eos dicimus qui nesciunt, Et ea dicimus, quae nescimus Ipsi ; ita Et illi alias aliud ipsidem de Rebus Et sentiunt Et judicant, Et nos contrarias saepe causas dicimus, non modo ut Crassus contra me dicat aliquando, aut ego, contra Crassum, quum Alterutri necesse sit falsum dicere, sed etiam Et uterq; nostrum eadem de re alias aliud defendat, quum plus uno verum esse non possit : ut igitur in ejusmodi re, quae mendacio nixa sit, quae ad scientiam non saepe perveniat, quae Opiniones Hominum Et saepe errores Aucupetur, ita dicam. (Note, that these Principles subsist still.)

Baldus, a famous Civilian in the 14th Century, the Son of Francis Ubaldus, a Physician of Perugia, was much addicted to contradict himself ; the Excuses, wherewith he colour'd his Contradictions, deserve to be consider'd ; he said, that our Understanding alters, and therefore that it argues one Day after one manner, and another Day after another. I believe that he reserv'd to himself in Part the Privilege, which he attributed to the Legislators. The Bishop of Pavia ask'd one Day, why the Laws were so changeable ; Baldus answer'd him, that the same Things become either lawful or unlawful according to the Times ;

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in Time of War some Things are permitted, that are for-
bid in Time of Peace, wherefore Justice concerns all
Things that become proper to the Times ; such a Conduct
is proportion'd to the present Circumstances, therefore it
is just. Those that make Laws imitate Physicians, who
permit, order, and forbid the same Things according to the
Times and Seasons. 'Tis the Time they observe ; this was
Balbus's Answer ; and this is either implicitly or expli-
cately the Principle, on which Authors argue, who confute
themselves when they are to dispute against two sorts of
Enemies. (*Bayle's Hist. and Crit. Dict.*)

'Eum^a

Nor can a stronger Argument be devis'd, to
prove Nobility not to be mingled with the
Blood, than that the Nobility of the Grand-
Father ennobleth not his Nephew by his Son,
condemn'd to lose his Liberty, State or Coun-
try ; of which this Civil Institution a natural
Reason is given, *viz.* That an insufficient Me-
dium obstructeth and hindreth a Conjunction of
the Extremes. But yet the same Question was
wont to be put to us, which was long ago put to
the Antient *Romans*, *viz.* Whether the Nobility
of the Father, being a Senator, profits his Son,
born before his Father had obtain'd that Dig-
nity ? And, Whether such Nobility in the Son
be Native or Dative ? To which I answer, That
the Child, by our Custom, is immediately by
his Father's Nobility made Noble, and their
Children,

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Children, like the Boughs of a Tree, remov'd into a richer Ground, are green, and flourish with the same new Moisture that the Body of the Tree doth; and such Nobility hath deserved to be call'd Native, since it extendeth not but to those who are born of such a Father. As for Example; a Baron being honour'd with the Title of an Earl, his first-begotten Son taketh to himself the Title of some Barony, and all his Daughters are saluted Ladies and Madams.

From which therefore we may conclude, That Native Nobility is drawn from the Father, and that we need not seek for it further; for it may so fall out, that sometimes it cannot be deriv'd from the Grand-Father, as if some great Offence of the Father interven'd; for a Man born of a Noble Father, is without all doubt by Descent Noble. But if any Man will contend that he is not properly *Eugenēs*, or nobly descended; I answer, The Common People principally do respect the same, but the Judicial Court hath no Care thereof at all; for otherwise, some new Princes would be of less Nobility than some mean Noblemen, if the Privileges of Nobility were bestow'd after the Balance of proper and true *Eugēnia*. Add also,
L that

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that if true *Eugenia* be urg'd, it requireth not only our Great-Grand-Fathers, Grand-Fathers; but even all the rest of our Ancestors, in a continu'd Order after them, to be Noble, Rich, Profitable for the Common-wealth, Good Men, and without Spot or Imputation: A hard Sentence indeed, but an harder Rule, and a Consequence of all most hard! Such a Noble-Descended Person, *est rara Avis*, and yet some such there be. But concerning that Matter, hear *Aristotle's* Opinion: *Eugenia*, verily (saith he) I have found but in few, and no where an Hundred good *Eugenes*; wherefore the *Athenians* more usually call'd their Noblemen *εὐγενεῖς* or *εὐταῖροι*, i. e. Men born or descended of Noble Fathers (1); which Words I know to be often confounded with the Word *Eugenes*.

Having frankly affirm'd Nobility to descend from the Father to the Children, what if I should say, the same Force is in the Mother's Nobility also? Surely Reason, the Opinion of the Learned, and antient Custom's also, will be present for the Defence of this Cause. If Nobility draw any thing Natural at all from the Parents, almost the whole Constitution of the Child is to be given to the Mother. It hath also such Shape (if we may believe Philosophers)

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phers) as the Mother conceiveth together with the Seed ; for first it taketh Life from the Mother, it taketh likewise Nourishment of and from the Mother, and Growth from the Mother; and, in short, by the Consent of all Men, it, together with Spirit and vital Humour, draweth from the Mother, Affections, Vertues, and Vices. And that such Power is in the Mother, is manifest by the Precepts of Physicians (2), who command Parents to be most careful, to what Nurses they put their Children to be nursed (3).

In

(1) *Ἐπατέριοι* or *Ἐπαλειδαι* ; i. e. Men born of Noble Fathers, or descended from those old Heroick Ancestors, who were Famous in History, as the *Praxiargide*, *Cynide*, *Ceryces*, &c. All which had a great Privilege annex'd to their Quality. These Families wore a Grasshopper in their Hair, as a Badge of their Nobility. Their *Ἐπαλειδαι* were distinguish'd by the *Athenians* from the Farmers and the Tradesmen, into which three Divisions all the People were rang'd by *Solon*.

(2) *Physicians*] *Alcmaon*, born at *Crotona*, a Disciple of *Pythagoras*, is thought to be the first that writ upon Physicks.

Some Physicians demanded exorbitant Fees in the 13th Century. Here follows a Proof of that. *Aponensis* (*Petrus*, call'd by some *Pierre d'Avans*) one of the most famous Philosophers and Physicians of his Century, was born in the Year 1250, in a Village situated four Miles from *Padua*. He study'd a long time at *Paris*, where he was promoted to the Degrees of Doctor in Philosophy and Physick.

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Physick. 'Tis uncertain whether he dy'd very rich, but that he made his Patients pay exorbitant Fees is not to be question'd, that being recorded in Books. There is no Notice taken of what he exacted for the Visits he made in the Place of his Residence ; but it's affirm'd, he would not go out of Town to visit the Sick under 150 Franks a-day. (*Merklinus in Lindonio renovato, pag. 878.*) They add (*Id. Ibid.*) that being sent for by Pope *Honorius* the IVth, he demanded 400 Ducats a-day : This we find in the Abridgment of his Life, inserted in the new Edition of *Vander Linden de Scriptoribus Medicis. Camerarius (Meditations Historiques, Tom. 1. Cap. 4.)* relates the same thing, but without naming the Pope who sent for this Physician. He does not do the same as to the Place where *Peter Aponensis* liv'd ; he says it was at *Bologna* : He mentions indeed Pope *Honorius* the IVth, but says, that the Physician who exacted so vast a Sum from that Pope, was not *Peter Aponensis*. These are his Words according to *Simon Giulart's* Translation. ' In the Time of our Fathers there was a Physician of *Florence*, whose Name was *Thaddeus*, who acquir'd such a Reputation, that practising out of Town, he gain'd 50 Crowns a-day ; and being sent for by Pope *Honorius* the IVth, had 100 Crowns a-day of him, so that he brought away 10000 Crowns from *Rome.*' (*Id. Ib.*) If he had consulted Chronology, he would not have said in the Time of our Fathers, for that Pope was elected in the Year 1285, and dy'd in the Year 1287. *Dom. Lancelet de Perouse* quoting *Ciaconius (in Vita Honorii IV.)* says, that this *Thaddeus*, a *Florentine*, and Professor at *Bologna*, made those, whom Pope *Honorius* the IVth sent to him, promise, that he should have 100 Crowns a-day ; and adds, that that Journey was worth to him 10000 Crowns ; but observes that others write, that *Peter Aponensis* had 400 Crowns a-day of that Pope : He had said, that this *Peter* never went out of Town to visit the Sick unless they gave him 50 Florins : You'll find in the *Theatre of Paul Feber*, that he was a Professor of Physick at *Bologna*, and that he was sent for from all Parts of *Italy*, tho' he exacted 50 Florins a-day ; you'll likewise find there, that he bargain'd with *Honorius* the IVth for the Sum of 100 Florins a-day ; and that having cur'd that Pope, he receiv'd

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ceiv'd 1000 Crowns of him; Variations in abundance! yet we may gather from them certainly enough, that our *Peter*, and other Physicians, took exorbitant Fees of their Patients in those Days. 'Tis not hard to produce Home-Testimonies of such Physicians in this Age.

Their Privileges with the Ladies come next to be taken Notice of. *Aragon* (*Joan* of) the Wife of *Ascanio Colonna*, Prince of *Tagliocozzi*, was the most Illustrious Lady in the 16th Century. She was born in *Naples*, and descended from the Kings of *Aragon*. The Wits of her Time sounded forth her Praises in an extraordinary Manner. The Philosopher, *Augustin Niphus*, was none of the last in paying her his Homages. He represented her so wondrous Beautiful, and particulariz'd the Perfections of her Body in such a Manner, that some Authors have said, He flatter'd her; and that Love had put him upon these high Strains. *Lewis Guyon* cannot be persuaded, that all the Beauties which *Augustin Niphus* ascribes to the Princess *Joan* of *Aragon*, of the Illustrious Family of the *Colonnas*, was real; But, says he, I fancy he was in Love with her, and was drawn into it, by having seen, touch'd, and handled, several Parts of her sick Body, as Physicians have a Privilege to do; and that ambitious of getting into her good Graces, he publish'd the Book, which he dedicated to her; nothing being likely to gain either on Woman or Maid, so much as a Persuasion that their Beauty has made one in Love with them.

After which he remarks, that if so, the Physician forgot the Oath he had taken upon receiving his Degree, which, among other Things, enjoins him, not to covet the Maids or Women he shall have in Cure. In the Table of Matters he says positively, That *Niphus* fell in Love with the Princess *Joan* of *Aragon*, by handling her as a Physician, and feeling her Pulse. It has also been pretended, that his Quality of Physician had given him Privileges which inflam'd his Heart. The Poets and others have long since made Reflections on this Privilege of Physicians. Thus *Doid* makes the amorous *Acontius* speak:

*Me Miserum! quod non Medicorum jussa ministro,
Astringoq; Manus, Insideoq; Thoro;*

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*Et rursus Miserum ' quod, me procul inde remoto,
Quem minime vellem, forsitan alter adest.
Ille manus istas astringit, & assidet agra,
Invisus superis, cum superisq; mihi.
Dumq; suo tentat salientem Pollice venam
Candida per Causam Brachia saepe tenet :
Contrectatq; Sinus, & forsitan Oscula jungit ;
Officio Merces plenior ista suo est.*

Now for the first Physician that ever came to Rome, and in what Year of the City : *Cassius Hemina* (saith *Pliny*, in the first Chapter of the 29th Book) a very Ancient Author, assures us, That the first Physician, that ever came to Rome, was *Archagatus*, *Lyfanius's* Son, who remov'd thither out of *Peloponnesus*, in the Year of Rome 535, where he had the Privilege of a Citizen, and had a Shop bought for him in the Place call'd *Acilia*.

Physicians ascrib'd much to the Influence of the Stars, in discoursing of the Distempers of their Patients, about the Beginning of the 17th Century. (*Bayle's Hist. and Crit. Dict.*)

I shall close up, what I have said of these Gentlemen, with this Maxim in their Favour ; We are to use Humane Means, as if there were no Divine ; and Divine, as if there were no Humane.

This is the Precept of a great Master, and seems to be altogether founded on the 38th Chapter of *Ecclesiasticus*, which commands us to have Recourse to Physicians, and to neglect nothing of what they prescribe ; and, next to that, to put entire Confidence in God, who is the sole Dispenser of Cures.

Honora Medicum propter necessitatem. Etenim illum creavit Altissimus ---- Altissimus creavit Medicamenta, & Vir Prudens non abborrebit illa ---- Da locum Medico & non discedat a te, quia opera ejus sunt necessaria. These are Humane Means.

Eli, in tua Infirmirate ne despicias teipsum, sed ora Dominum, & ipse curabit te. These are Divine Means. This Lesson also extends to all the other Necessaries of Life. (*Art of Prudence. By Mr. Savage.*)

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(2) *Children to be Nurs'd*] 'Tis pity this Custom, which, amongst others of our *Saxon* Ancestors, *Verstegan* describeth to us, is not kept up now a-days (*viz.*) The Children (saith he) were commonly nurs'd by their own Mothers; and it was accounted a great Shame for a Mother to put a Child forth to Nurse, unless it were upon some absolute Necessity; they holding it among them for a General Rule, That the Child, by sucking a strange Nurse, would rather incline unto the Nature of her, than unto the Nature of its own Father and Mother; so that they look'd upon Mothers to be the most natural Nurses to their own Children.

(1) *Xantbij*]

In short, if the Vertue of the Father be in the Children to be reverenc'd, why should not the Mother's be so also? The Manner of the Sex doth neither diminish, nor increase Nobility, which is for it self to be desir'd. Nay, in tender Women, it seemeth to have both more Lustre and Grace. And certain it is, that amongst the Causes for which the Honour and Dignity of Persons is increas'd, or diminish'd, that is of all others the lightest, which is drawn from the Difference of the Sex. *Plutarch* writeth, that among the *Xantbij* (1), the Sons were ingrafted into the Stock and Family of their Mothers, and from them the Name of the Stock and Kindred was deriv'd, and not from their Fathers. The same thing *Herodotus* (2)

L 4 reporteth

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reporteth of those of *Lycia* (3), that they should take the Name and Credit of their Stock and Kindred from their Mothers; and that he was with them a Free-born Man, and Noble, who was born of a Free-born Woman, and Noble, altho' his Father were a Slave, or base common Person,

Yea,

(1) *Xanthij*] So call'd from *Xanthus*, a River of Lesser *Phrygia*, in *Asia Minor*, or *Natolia*, otherwise call'd *Scamander*, near which they liv'd. This River was call'd *Xanthus* for the Property of its Water, which makes the Wool of Sheep that drink of it Yellow, which the Greeks call *Xanthum*. (*Arist. Hist. Animalium*, Lib. 3.)

(2) *Herodotus*] A Famous Historian, born at *Halicanassus*, liv'd about 450 Years before our Saviour. He wrote at *Samos* a General History in nine Books, concerning the Actions of 240 Years, until the War amongst the Greeks, call'd *Bellum Peloponnesiacum*, where *Thucydides* began, which was so well approv'd of, that it was intitled, *The Nine Muses*. After publick Reading in the Olympick Games, he is thought to be Author of *Homer's* Life, but many Question it. *Cicero* calls him The Father of History.

(3) *Lycia*] A Province of *Asia*, whereof one Part is now call'd *Admelli*, and the other *Mantefelli*, or *Briquisaza*. It lyes between *Caria* and *Pamphylia*, and took its Name from *Lycus*, the Son of *Pandion*. This Province was Famous for the Mountain *Chymara*, often mention'd by the Poets, and for the Cities of *Patara* and *Mira*, the Birth-Place of St. *Nicholas* and *Andriaca*. *Cicero* says, The People of *Lycia* are excellent Archers.

(1) *Virgil*]

Yea,

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Yea, and by the Law of the Romans, the Sons, in some Cases, follow the Beginning of their Mothers: Nor is it a Thing unheard-of with us, nor with other Nations, for Sons to have taken to themselves Names from their Mothers, who were of greater Nobility than their Fathers; as *Rennatus de Clara*, &c. We may also with *Cornelius Tacitus* read this Sentence, viz. *Jam depulso Nerone, quisnam eligeretur, inquirebant, & omnium ore Rubellius Plancus, cui Nobilitas per Matrem ex Julia Familia.* And herein differ not *Virgil* (1), *Ovid* (2), and *Statius Papinius* (3), whose Verses I have thought good here to subjoin.

----*Genus huic Materna Superbum
Nobilitas dabat; incertum de Patre ferebat.*
(Virg.)

*Est quod per Matrem Cylonen addita nobis
Altera Nobilitas----*
(Ovid.)

*Huic fuit Evander, qui quanquam clarus utroq;
Nobilior sane Sanguine Matris erat.* (Ibid.)

*Sed quicquid Patrio cessatum est Sanguine Matri
Reddidit, obscurumq; latus clarescere vidit*

Connubia

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Connubia gavisa domus, &c.

Stemmata Materno Fœlix, virtute Paterna.

(Stat. Pap.)

Now the Reason which many learned Men bring, to prove the Son to be Partaker of his Father's Nobility, is this, *viz.* Every Thing Compound partaketh of the Form and Matter which agreeth to both the Parents; and hence, where the Law is not repugnant to Reason, this Rule is to be held for true.

And now having spoken thus much concerning Nobility Native (or by Birth) I shall directly from hence proceed to Nobility Dative, (or Nobility which cometh by Gift.)

CHAP.

(1) *Virgil*] (In *Lat. Pub. Virgilius Maro*) the most Excellent of all the Antient Roman Poets, flourish'd during *Augustus's* Empire. He was born on the 15th of *October*, *An. Rom.* 683, in a Village (call'd *Andes*) not far from *Mantua*. He spent the first Seven Years of his Life (according to *Donatus*, to whom *Virgil's* Life is ascrib'd) at *Cremona*, a noble Roman Colony; after which he remov'd to *Milan*, and made some Stay there, and then went to *Naples*, where he strenuously apply'd himself to the Study of the *Latin* and *Greek* Literature, as he did afterwards to the *Mathematicks* and *Physick*. He was also a good Florist, Naturalist, and Geographer: Those, who tell us his *Eclogues* were admir'd by *Cicero*, are much out in Chronology; since it is certain, that they were not written till after the *Triumvirate* of *Octavius*, *Marc Anthony*, and *Lepidus*; during which, as the World

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World is sufficiently inform'd, *Cicero* was cruelly massacred: It is affirm'd, not as a Report, but as a certain Truth, that the Inhabitants of *Naples* gave him the Surname of *Virginal* (deriv'd from *Virginity*) by Reason of the Purity of his Words and Manners. An express Indication of his Modesty. He wrote indeed in his Youth several Lascivious Verses, to discover his Wit, and his Art of painting the Passions, and representing Characters, which are not to be taken as an Argument of a debauch'd Mind. And this we are the rather induc'd to believe in favour of *Virgil*, whose Vertue on other Accounts was so conspicuous; so that the following Verse may with Justice enough be apply'd to him.

Lascivus versu mente pudicus eram.

As to his Temper, he was free from the least Appearance of Envy, and discover'd such a large Share of good Nature and Civility, that the other Poets, his Contemporaries, who were continually jarring with one another, almost unanimously agreed in their Esteem and Love of him, which alone is a sufficient Elogy. He was an Author not easily affected with his own Compositions, bestowing three Years upon his *Eclogues*, seven on his *Georgicks*, and eleven or twelve on his *Aeneids*; in compiling the 2d of which (*viz.* his *Georgicks*) he dictated several Verses in the Morning, and spent the rest of the Day in correcting them, *i. e.* reducing them to a small Number. He compar'd himself to a She-Bear, which lick'd her Young into Shape. His *Aeneids*, which we look upon as a Compleat Peace, he thought so short of Perfection, that he earnestly desir'd it might be burn'd, having not been able (thro' the Strength of his Disease) to give it the finishing Stroke; but *Augustus* not permitting this to be done, the Poet oblig'd *Tucca* and *Varius* to add nothing, not so much as to fill up the Breaks in his Poem. He design'd a three Years Retirement in order to polish it, and then to apply the residue of his Life solely to Philosophical Studies; but dy'd in the Interim at *Brundusium* (now *Brindi* in *Italy*) the 22d of *September*, 734. Aged 53. and was bury'd, according to his Order, at *Naples*.

(2) *Ovidius*

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(2) *Ovidius Naso*] (*Publius*) One of the best Poets in *Augustus's* Age, was born *An. Rom.* 711. at *Sulmona* (antiently call'd *Sulmo*) a considerable City in the Country of the *Peligni*, 90 Miles from *Rome*, during the Consulship of *Hirtius* and *Pansa*; and according to the Account he gives us in the 15th Elegy of his 3d Book *Amoris*, a Gentleman. He was naturally so addicted to Poetry, that out of Love to the Muses, he neglected all Means whereby he might arrive to Places of Dignity: Out of Deference to his Father's Remonstrances, he check'd, in his Infancy, his Inclination to Versifying, and apply'd himself to the Study of Oratory under *Arellius Fuscus*, in whose School he declaim'd successfully. He pleaded sometime (as he himself tells us, *Trist. Lib. 2.*) for the People, arraign'd at the Tribunal of the *Centumviri*; and that being chosen Arbitrator upon some Law-Suit, he decided it like a Man of Honour; but thro' the prevalency of Nature, he soon reimbarc'd in his belov'd Poetry; which, tho' it extinguish'd in him all the Fire of Ambition, fed and inflam'd that of Love. He was furiously addicted to the Venereal Pleasure, and that was almost his only Vice. The Qualifications he had by Nature for that Exercise, and the Use he made of them, he himself discovers to us in the following Distich. (*Amor. Lib. 3. Eleg. 7.*)

*Exigere a nobis angusta nocte Corinnam
Me meminì numeros sustinuisse novem,*

He found himself fresh and gay in the Morning, after passing a whole Night in amorous Embraces, and wish'd to die in the actual Fruition of that Pleasure. Nothing seem'd to him more suitable to the Life he had led, than to make his Exit in the like Exercise. I don't believe that *Lais*, the Curtezan, who dy'd in the manner *Ovid* calls so happy, desir'd that Fate. He was not content with loving and making Conquests in the way of Gallantry, but instructed likewise the Publick in the Art of Loving, and of obtaining Love, by a Book he wrote, entitl'd, *De Arte Amandi*; for which, and a Fault (fortuitous and involuntary) which he does not reveal, he was banish'd by *Augustus* (who once esteem'd him) at 50 Years of

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of Age. He employ'd, in vain, all the Turns of his Wit to pacify the Emperor, whose Favour nothing could procure. He liv'd seven Years in this Exile, and then dy'd in the Country of the *Geta* (a People near *Scythia* in *Europe*, taken by some for the *Wallachians* or *Moldavians*) where he had been confin'd, the first of *January*, in the 199th Olympiad, under the Consulship of *Rufus* and *Flaccus*, i. e. in the 4th Year of *Tiberius's* Reign, and the 17th of Grace. He marry'd three Wives, the two first of which he divorc'd, (*Trist. Lib. 3. Eleg. 10.*) and the 3d he very much prais'd (*Id. ib. Lib. 1. Eleg. 3. & alibi*). He wrote several Pieces, the best of which is his *Metamorphosis*. This was the Judgment of the Author himself, and 'twas from thence he chiefly expected his Name would be immortaliz'd; what that Performance would be Proof against, he foretels at the Conclusion in these Verses, *viz.*

*Jamq; opus exegi, quod nec jovis Ira nec Ignis
Nec poterit Ferrum, nec edax abolere vetustas, &c.*

Which Prediction hath not yet prov'd false. We have lost some of his Works, *viz.* his six last Books of the *Fausti*, and a Tragedy of *Medea*, commended by *Tacitus* and *Quintilian*, and a Treatise of the Nature of Fishes.

(3) *Publius Papinius Stat.*] Son of *Publius Papinius Stat.* of *Naples* (a Person skill'd in the *Greek* and *Latin* Tongues, &c.) by *Agellina*. He was in great Favour with *Domitian*, to whom he dedicated his two Pieces of *Thebais* and *Achilleis*, the first in twelve Books, the other in two, and five Books of *Sylva*. He was the Author also of some Dramatick Poems, which are lost, as well as his *Agave* mention'd by *Juvenal*, Sat. 7. Toward the latter End of his Life he retir'd to *Naples* with his Wife *Glau-dia*, and dy'd there not long after *Domitian*.

CHAP.

C H A P. V.

The divers Beginnings of Nobility Dative.

BEING about to search out the other Kind of Political or Civil Nobility, *viz.* Nobility Dative, and that even from the very Original thereof; certain Things before-said seem here necessary to be again repeated. But first I must refute the Argument of those who say, that since *Adam* was a Common Father to all, whence cometh it that one Man should be better than another? To which an Answer is given out of the same Old Testament which gave Foundation to the Question, being of the like Authority with the Christians and Jews. *Noah* (1), when he had planted a Vineyard, and had tasted of Planting, having drank of the Wine, lay drunk and bare in his Tent; and *Ham* (2), seeing the Privities of his Father, told it to his Brethren, who upon a natural Honesty and Vertue, with a Cloak cast upon their Shoulders, cover'd their sleeping Father, with their Eyes turn'd from him, and not seeing their Father's Nakedness. But *Noah* awak'd, and knowing what his younger Son had done unto him, he curs'd

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curs'd *Ham*, commanding him to be a Slave of all Slaves. By this shameful and unworthy Act, *Ham* with all his Generation, carry'd away his Father's Curse, Servitude, and the Title of Obscure and Base Persons; whereas, contrariwise, *Sem* and *Japhet* found all the Names and Titles of Honesty, Nobility, and Vertue, accompany'd with their Father's Blessing.

This

(1) *Noah*] *Gen.* 9. 21, 28.

(2) *Ham*] One of *Noah*'s three Sons, makes a pretty long and curious Article in this Place, taken *verbatim* out of Sir *Walter Rawleigh*'s *History of the World*, and *Bayle*'s *Historical and Critical Dictionary*, which I hope the Reader will be pleas'd with.

First, then, take what Sir *Walter Rawleigh* says of him. Of these Sons of *Noah*, viz. *Sem*, *Ham*, *Japhet*, which (saith he) was the eldest, there is a Question. *St. Augustin* (*Civit Dei*, l. 16. c. 3.) esteem'd *Sem* for the eldest, *Ham* for the Second, and *Japhet* for the youngest; and herein the Opinions of Writers are divers. In a few Words, this is the Ground of the Controversy; the *Latin* Translation, and so the *Geneva*, hath converted this Scripture of *Genesis* the 10th, v. 21. in these Words: *Unto Shem also, the Father of all the Sons of Heber, and elder Brother of Japhet, were Children born.* But *Junius*, agreeing with the *Septuagint*, placeth the same Words in this manner: *To Shem also, the Father of all the Sons of Heber, and Brother of Japhet the eldest Son, were Children born*; so the Transposition of the Word (elder) made this Difference. For if the Word (elder) had follow'd after *Japhet*, as it is in the vulgar Translation plac'd before it, then had it been as plain for *Japhet*, as it

it is by these Translations for *Shem*. Now (the Matter being otherwise indifferent) seeing God's Blessings are not ty'd to First and Last in Blood, but to the eldest in Piety, yet the Arguments are stronger for *Japhet*, than for *Shem*. And where the Scriptures are plainly understood without any Danger or Inconvenience, it seemeth strange why any Man of Judgment should make Valuation of Conjectural Arguments, or Mens Opinions. For it appeareth that *Noah*, in the 500th Year of his Life, begat the first of his three Sons (*Shem*, *Ham*, and *Japhet*) *Gen.* 11. 10. and in the 600th Year (*viz.*) the 100th Year following, came the General Flood; two Years after which, *Shem* begat *Arphaxad*, which was in the Year 602 of *Noah's* Life, and in the Year of *Shem's* Life 100; so as *Shem* was but an 100 Years old two Years after the Flood, and *Noah* begat his First-born being 500 Years old; and therefore, were *Shem* the elder, he had been an 100 Years old at the Flood, and in the 600th Year of *Noah's* Life, and not two Years after: Which, seeing the Scriptures before-remember'd hath deny'd him, and that it is also written, *Then Noah awoke from his Wine, and knew what his younger Son had done unto him (viz.) Ham*, *Gen.* 9. v. 24. of Necessity the first Place doth belong to *Japhet*. This younger Son, so converted by the Vulgar and *Geneva*, *Junius* turns it *Filius minimus*, his youngest Son; but *St. Chrysostom* takes it otherwise, and finds *Ham* to be the middle or second Brother, and *Japhet* the youngest Son of all; which *Ham*, for his Disobedience, and the Contempt of his Father (whose Nakedness he derided) was disinherited, and lost the Pre-eminency of his Birth, as *Esau* and *Reuben* did. *Pererius* (in *Gen.*) conceiveth that *Ham* was call'd the younger, in respect of *Shem* the eldest, but avoweth withal, that the *Hebrew* hath not that precise Difference of younger and youngest, because it wanteth the Comparative Degree. It is true that *Shem* himself was always nam'd in the first Place; yet whereas in the first Verse of the 10th Chapter of *Genesis*, *Shem* is accounted before *Japhet*; in the 2d Verse *Moses* leaveth to begin with the Issue by *Shem*, and reciteth the Children of *Japhet* first: so the first Place was given to *Shem* for his Election and Benediction, and for this weighty Respect, that the *Hebrew* Nation, *Abraham*, the Prophets, *David*,

David, and Christ (our Saviour) were descended of him; and therefore, whether we shall follow the Vulgar, *Pagninus*, and the *Geneva*, who agree in this Conversion, *Shem Frater Japhet major*, or with the Septuagint, *Junus* and *Tremellius*, *Shem Frater Japhet majoris*, or with *Perrinus*, *Shem Frater Japhet ille magnus*, inferring, that *Shem* was the Great and Famous Brother of *Japhet*, let the Reader judge. But, for ought that I have seen to the contrary, it appeareth to me that *Japhet* was the eldest. I have done with Sir *Walter*. Now mind what *Bayle* says.

'Tis plain and incontestable (saith he) that *Ham* was the youngest of *Noah's* three Sons, since the Scripture says expressly (*Gen. ch. 9. v. 24.*) after having mention'd *Ham's* Actions, *That Noah awoke from his Wine, and knew what his younger Son had done unto him.* Nevertheless many Commentators maintain, that *Ham* was *Noah's* second Son: They prefer the Words where the three Brothers are plac'd in this Manner, *Sem, Ham, and Japhet* (*Ibid. v. 18. & passim alibi*) before such a plain Declaration; and there are some, who, to elude the 24th Verse which I quote, pretend that the Scripture does not speak of *Cham* there, but of *Chanaan*, *Noah's* Grandson; others pretend that *Cham* was only call'd the younger, because he behav'd himself less prudently than his other Brothers. Is not this to open a Door to such Glosses as would obscure the clearest Expressions of the Scripture? We know nothing of him, but that he told his Brothers, that he had seen *Noah* stark-naked in his Tent, (*Gen. 9. v. 22.*) A great many ridiculous Stories have been invented on that Account. Some believe, that since *Cham* shew'd so much Indiscretion towards his Father, he was a cursed Soul, guilty of all sorts of Abominations: They make him the Inventer of Magick, and many Things are reported about it: It is also said, That he gave an Example of Incontinency that was but little edifying, I mean, that he got his Wife with Child in the very Ark. *St. Ambrose* thinks, that the Expressions of *Moses* seem to intimate, that the Matrimonial Functions were superseded and suspended in the Ark. At that Time, say some Interpreters, it was requisite to think of the Maxim that *Solomon* publish'd a long time after; *To every Thing there is a Season, and a Time*

Time to every Purpose under Heaven; a Time to Embrace, and a Time to refrain from Embracing, (Eccles. c. 3. v. 1, & 5.) The Terrible Judgment, which God exercis'd on Mankind, ought not to have inspir'd any other Thoughts to *Noah* and his Family, but those of Fasting and Penitence. Nevertheless, 'tis believ'd that *Cham* did not contain himself, and that his Wife became the Mother of *Chanaan* in the very Ark. It is also said, That *Chanaan* prov'd a wicked Man, because he was the Fruit of an Incontinency, exercis'd out of Season. He saw *Noah's* Nakedness first, as 'tis pretended, and told his Father of it in a jeering way; If it was so, one might better apprehend why *Noah's* Curse fell upon *Chanaan*, and not upon *Cham*. If some Doctors be ask'd, How that Patriarch came to know that *Cham* had discover'd his Nakedness? They Answer, That he inferr'd it from the Impudence *Cham* had to prophane the Ark by drawing near to his Wife. Let us mention, on this Occasion, the Answer that others make: they say, That as soon as *Cham* had satisfy'd his Sight with such an Object, he felt some extraordinary Alterations in his Body; his Eyes became red; his Hair and Beard were burn'd; his Lips were distorted; he knew so little what he did, that he stripp'd himself stark-naked, and walk'd in that Posture: *Noah* seeing all this, concluded from it, that *Cham* had dishonour'd him: But some say, he only knew it by the Power of Prophecy. St. *Chrysostome* is very reasonable, when he believes, that *Noah* finding himself cover'd with a Mantle that was none of his, ask'd what was the Matter? And understood by his two good Sons how the Thing came to pass: Some say, That the Fault he committed against his Father, was infinitely more heinous than it is represented in the Holy Scripture; some will have it, That he gelded him; others, That he made him Impotent by the virtue of some Magical Charms; others, that he committed Incest with *Noah's* Wife. It is the Opinion of Mr. *Van Hart*, Professor of the Oriental Languages in the University of *Helmstadt*; he believes, That the Injury which that Patriarch receiv'd of *Cham*, consisted in the infamous Temerity that brutal Son had, to lye either with his own Mother, or at least with his Step-Mother. He proves that Explication by several Places of the Scripture, where

where the Phrase of discovering the Nakedness of a Woman signifies to lie with her; it is said in the same Places of Scripture, that the Nakedness or the Shame of a Woman is the Nakedness or the Shame of her Husband; consequently according to that Style, to have seen *Noah's* Nakedness, is a cover'd Expression, signifying to have lain with *Noah's* Wife. That Author supposes, 1. That *Cham* took his Time to do that Business when *Noah* was sleeping out his Wine. 2. That some Body having seen the Attempt, went and told *Noah's* two other Sons of it. 3. That the latter being angry with the bloody Affront that was offer'd to that Patriarch, went with all speed to the Place, and having surpriz'd their Brother in the Fact, they threw their Cloaks over him and his Accomplise. 4. That they reported to their Father what they had seen. 5. That *Noah* being very angry order'd, by his Will, that *Chanaan* who was to be born of that Incestuous Commerce, should be totally depriv'd of the Succession. These Hypotheses are Learned and Ingenious; but if it be once allow'd to suppose that *Moses's* Narratives are so disguis'd, it is to be fear'd, that that Method will be carried as far as the History of the Temptation, and the Fall of *Adam*, as some have dar'd to do. It is somewhat strange, that the Scripture does not take any manner of Notice, that the Patriarch did any thing to *Cham*; he did not so much as Reprove him for it, and only curs'd *Chanaan* the Son of *Cham*; but that Curse was only a Prophecy of the Victories, that the Descendants of *Sem* should obtain over the Descendants of *Chanaan* under *Joshua*, i. e. 7 or 8 Ages after *Cham's* Fault. This was all the Punishment of that wicked Son: For what is commonly said, that he became Black; and communicated his Blackness to his Posterity, which continues to this Day in all the Nations of *Africa*, is a Chimerical Story: There is great likelihood that he settled in *Egypt*, and that he was ador'd there after his Death under the Name of *Jupiter Hammon*. (Thus says *Bayle*.)

This Dative Nobility, whereof my present Discourse is, was for many Causes rais'd and invented, and first of all upon urgent Necessity ; for when evil and wicked Men prevail'd, and good and honest Men were oppress'd, it was necessary to distinguish the Good from the Bad, and for the Preservation of the Publick Peace and Tranquillity to separate and divide them ; whereupon wise, just, and virtuous Men, and the Lights as it were of the World shining before others, were set over the rest, to be to all Men an Example of a godly and honest Life, and to decide and determine all Things. And at that Time such Wisemen and Providers for the Common-wealth, seem'd by Virtue to procure to themselves Nobility ; for the old Proverb prevail'd with them, *viz. Virtue, not Blood, made Men Noble* ; such Men were by the People call'd, chosen, and approv'd Counsellors, and Judges, who by their Subjects were elected and created Kings and Princes. And they who for their worthy Deeds had obtain'd such honourable Titles and Offices, ennobled both themselves and their Posterity.

Another Cause also why Nobility began to be honour'd, was the gross Ignorance and Unskilfulness of the vulgar and common sort of People,

People, who have their Sense, Reason, and Understanding so dispers'd and scatter'd that they cannot gather, discern, or judge any thing certain, firm or sound; for the Maintenance therefore of the Publick Peace and Tranquillity, it was necessary to make choice of Princes (*i. e.* Governours) Men for their Virtue and Wisdom famous and noble, who might compose and set in Order the troubled Estates, for want of Knowledge disorder'd, and with singular Wisdom and Action, as it were by a certain Cunning, draw the rude People to a more civil kind of Life and courtesy of Behaviour; such as were *Jupiter, Pallas, Ceres, Bacchus, Apollo*, and many others. And these Men, by their Wisdom, Vertue, and Skill, obtain'd not only the Titles of Nobility and Dignity, but were of the rude, ignorant Multitude accounted also, and receiv'd from them even Divine Honours.

Nobility hath risen also of the Abundance of Wealth and Riches; for many pinch'd with extreme Poverty, were compell'd to depend upon the richer sort, and giving themselves over wholly to their Power, reputed them Noblemen, and as such both accounted of them, and honour'd them.

Noble and worthy Acts gave also a Beginning to Nobility; for in antient Time, when Nations were oppress'd by their Enemies, if any valiant and courageous Man had deliver'd his Country from such Oppressions, he was above other Men worthily honoured. Many also in antient Time by Martial Prowess obtain'd Nobility, and were therefore of the People accounted Noble; as was *David* (1) for the Death of *Goliath* the *Philistine* (2). Some immediately from God were elected and call'd to Nobility, as *Joshua*, *Gideon*, *Jeptba*, and the rest of the Judges (3) of *Israel*, who were Generals over great Armies: Others again were chosen by God even from the Plough, to be Rulers over the People, as the Princes of the twelve Tribes of *Israel*. King *Saul* (4) was call'd out of the Field; *David* from feeding of his Flock, who thought themselves utterly unworthy of such a Princely Calling; but such as God hath ennobled, are of us above all others to be accounted most Noble.

No

(1) *David*, King of the *Jews*, the Royal Prophet after God's own Heart, was one of the greatest Men the World ever produc'd: To discover which, it is necessary to have recourse to Holy Writ (the Standard of Truth) wherein we may trace him from his first Appearance on

the Publick Stage of the World to his Death. The first time then that Scripture recommends him to Publick Notice, is to inform us, that *Samuel* (the Prophet of the Lord) design'd him King, and accordingly anointed him with the Oyl set apart for the Consecration of Kings; God, upon his rejection of *Saul*, having given *Samuel* Commission so to do. He was then but a meer Shepherd, and the youngest of the eight Sons of *Jesse* (who descended in a direct Line from *Judah*, one of the twelve Sons of *Jacob*, and dwelt at *Bethlehem*, a small City belonging to the Tribe of *Judah*) 1 *Sam.* 16. 13. *Calvisius* fixeth the Time of his Birth to the 2860th Year of the World; and that of the Unction to the 20th Year of his Age. Afterwards the Scripture tells us, that he was sent to King *Saul*, to disperse, with the Sound of his Musical Instruments, those black Vapours that tormented him, having first been represented by one of that King's Servants as the most likely Man to make him well, being a Master of Musick, and tho' but young, yet a mighty valiant Man, a Man of War, and Prudent in Matters, on whom also the Spirit of the Lord was. *Ibid.* ver. 18, and 20th. *Saul* was so affected with his Masterly Performance upon the Harp, that he took a great Fancy to him, retain'd him in his House, and made him his Armour Bearer, (*Ibid.* ver. 21.) *David* as the Scripture goes on to relate, afterwards return'd Home now and then from *Saul* to feed his Father's Flock, and that his Father commanded him one Day to go to *Saul's* Camp, furnish'd with Provisions for his three Sons that were in the Service, to see how they far'd, and to take their Pledge. (*Ibid.* Chap. 17. ver. 15, 17, and 18.) *David*, in Obedience to his Father's Commands, rose up early in the Morning, and having substituted a Keeper to look after his Father's Sheep in his Absence, took the Provisions, went, and came to the Trench, just as the *Israelites* were marching out, and joyn'd with them in the Signal for an Attack. Both Armies being drawn up in Order of Battle. And having left his Carriage under the Guard of a proper Officer, he ran into the Army, and saluted his Brethren, with whom as he was talking, he heard the Challenge, that a *Philistine*, call'd *Goliath*, proud of his Strength and Stature, made daily to the *Israelites*; not one amongst them daring to take it up; (*Ibid.* ver. 20,

21, 22, 23, and 24.) *David* not at all scar'd at the big Words of this Gigantick Fellow, shewed a good Mind to Fight him; and being thereupon brought to the King, was very positive that he should triumph over that *Philistine*. *Saul* alledg'd his tender Years, the Experience of the *Philistine* in Martial Affairs, who had been train'd up from his Cradle in the Art of War, and the vast Disproportion in their Strengths and Statures, which would make it not a Match: *David* readily answering all these Objections, *Saul* bid him go, gave him his Blessing and Armour, which he, after he had fitted it, finding too heavy, and cumbersome for him, put it off; and resolv'd to make use only of his Sling, which he threw so happily, that he brought down that Braggadocio with a Stone, then with his drawn Sword run in to him, and cut off his Head, which he made a Present of to *Saul*. (*Ibid.* ver. 26, to ver. 51.) This Feat of Martial Prowess *David* did (as *Calvisius* informs us) at 21 Years of Age, the very next Year after the Ceremony of his Consecration was perform'd by *Samuel*, and may serve as a Lesson of Instruction to us, not to be too confident of Success from Strength and Stature, but to look for it rather from the Justice of the Cause.

Saul, when he saw *David* go forth against *Goliath*, inquired of his General (*Abner*) whose Son that Youth was? The General answer'd he could not tell, and receiv'd Orders from *Saul* to be inform'd about it; but *David* being brought after the Victory to *Saul*, satisfied that Prince with his own Mouth, when he put the Question to him, Whose Son art thou, thou young Man? That he was the Son of *Jesse* the *Bethlehemite*. (*Ibid.* ver. 55, 56, 57, 58.) Then *Saul* kept him in his Service, and would let him go no more to his Father's House (*Ibid.* Chap. 18. ver. 2.) But because the Songs, sung by the Women who came out of all Cities to meet *Saul* at his Return from the Defeat of the *Philistines*, redounded more to *David*'s Glory, than *Saul*'s; that King was very angry, and conceiv'd a Jealousy against *David*, which grew inveterate. (*Ibid.* ver. 6, 7, 8, 9.) He sought to ensnare him by making him his Son-in-law, imagining the Condition on which he was to give him his second Daughter, *Michal* (for *Merab* the eldest, whom *David* should have had,

had, was betroth'd to *Adriel*, the *Meholathite*) would be his Ruin; but he acted by a false Policy, and was confounded in his own Cunning. He ask'd an hundred Fore-skins of the *Philistines* for his Daughter's Dowry. *David* brought him two hundred: So that instead of falling in that Enterprize, he return'd with fresh Laurels. He married *Saul's* Daughter, whereby he became more formidable to the King; all his Expeditions against the *Philistines* were very prosperous; his Name made a great Noise; he was in very great Esteem; insomuch, that *Saul* who was better acquainted with the Humour of the People than the Virtue of his Son-in-law, thought the only expedient to secure his Crown, was the Death of *David*. (*Ibid.* ver. 19, 21, 25, 27, 29, and 30.) He was then resolv'd to be rid of him, and communicated that Design to his eldest Son (*Jonathan*) who delighting much in *David*, took the first Opportunity to disclose to him his Father's Purpose to kill him. (*Ibid.* Chap. 19. ver. 1, 2.) *David* fled, and was pursu'd by *Saul* from Place to Place, till two undeniable Proofs of Probity and Fidelity to his Father-in-law made *Saul* resolv'd to let him alone. (*Ibid.* Chap. 24, and 26.) But *David* fearing the Return of that Prince's ill Designs, consulted his own Safety more than before, and quitting the Coasts of *Israel* retir'd with all speed to *Achish* (the Son of *Maach*) King of *Gath*, in the Country of the *Philistines*, with whom he, his Men, their Families, and his own two Wives dwelt some time, till he thinking it too great a Presumption to take up his Abode in the Royal City with the King, begg'd a Place in some other Town of the Country might be assign'd him to live in; which Request the King comply'd with, and allotted *Ziklag* the same Day. Here *David* dwelt a full Year and four Months, during which he made many Incursions round about. (*Ibid.* Chap. 27. ver. 2, 3, 4, 5, 6, 7, 8.) After *Saul's* Death he return'd into *Judea*, where he was anointed King by the Tribe of *Judah* over that House; in the mean time the other Tribes submitted themselves to *Ishboseth* (*Saul's* Son) which *Abner's* Fidelity was the Cause of. (2 *Sam.* Chap. 2. ver. 4, 8, and 9.) That Man who had been General of the Army under King *Saul*, set *Ishboseth* on the Throne, and maintain'd him on it against *David's* Forces; but being angry with *Ishboseth* who

who had tax'd him with taking *Rizpah* (Daughter of *Aiah*) one of his Father's Cuncubines, he treated with *David* to put him in Possession of *Ishbosheth's* Kingdom. The Treaty would soon have been concluded to *David's* Satisfaction, had not *Joah* (*David's* General) kill'd *Abner* to revenge a private Quarrel. (*Ibid.* Chap. 3. ver. 7, 8, 9, 10, 12, 13, 27.) *Abner's* Death did but accelerate the Ruin of the unfortunate *Ishbosheth*; for two of his chief Captains kill'd him, and brought his Head to *David*, who instead of rewarding them for it, as they expected, order'd them to be put to Death. (*Ibid.* Chap. 4. ver. 6, 7, 8, 12.) *Ishbosheth's* Subjects did not tarry long before they paid their Allegiance to *David*, whom, at thirty Years of Age they anointed King over all *Israel*. *David* liv'd 70, reign'd 40 Years, viz. seven and a half over the Tribe of *Judah*, and about 33 over all *Israel* and *Judah*, and then died. His long Reign was attended with great Successes, and glorious Conquests; little troubled, except by the Attempts of his own Children, the greatest whereof was *Abolom's* Revolt. (*Ibid.* Chap. 5. ver. 8, 4, 5. 1 *Kings* Chap. 2. ver. 10. 2 *Sam.* Chap. 15.) They are commonly the Enemies that Sovereigns ought most to fear. *David* had the Fate of most great Princes; he was unhappy in his Family: His eldest Son ravish'd his own Sister, and was kill'd by one of his Brother's for that Incest; and the Author of that Fratricide lay with *David's* Concubines, (2 *Sam.* Chap. 13, and 16.)

David's Piety is so shining in his *Psalms*, and in many of his Actions, that it cannot be sufficiently admir'd; but he had his Faults: The numbring of the People God look'd upon as a great Sin, his Love for the Wife of *Uriah*, and the Orders he gave to cause the same *Uriah* to be kill'd, are two very heinous Crimes; but he expiated them by such an admirable Repentance, that this Passage of his Life does not a little contribute to the Instruction and Edification of faithful Souls. It teaches us the Frailty of the Saints; we learn thereby how to bewail our Sins; and it is a very fine Model, (2 *Sam.* Chap. 24, and 11.) 'Tis disputed by the Learned, whether he be Author of all the Book of *Psalms*; many think not; and because the Title of the Book is not ascrib'd to *David*, they conclude that all the particular *Psalms*, having
other

other Names in their Titles, are compos'd by those there nam'd ; and so make him the Author but of seventy. The greater Number of the Learned think he compos'd the Whole ; and that those, whose Names are found in the Titles, are the Musicians order'd by *David* to set the Psalms to Musical Tunes : And in Effect (1 *Chron.* 15, 16, 25.) we see that those nam'd in the Titles were chief Musicians. The Psalm, which some add besides the 150th, is *Apocryphal.* (*Aug. de civ. Dei. Ambrose, Psal.* 43, 47.)

(2) *Philistines*, a People of *Palestine*, towards the Borders of *Egypt*, along the Sea Coasts. They were Enemies to the *Israelites*, whom they afterwards brought into Servitude, defeated them, and took away their Ark, but the *Israelites* reveng'd themselves frequently afterwards.

(3) *Judges*] A Name given to those who govern'd the Jewish Nation after *Moses*, and before the Settlement of Kingly Government among them ; they were call'd in Hebrew *Sopetimi* ; from whence the *Carthaginians* took their *Sufes* and *Sufetes* in the Plural, which they gave to their Magistrates, therein imitating the *Tyrians*, their Ancestors and Founders, who had for some time Judges for their Sovereigns. *Josephus* calls them Prophets, either because some of them were so, or because they were endow'd with extraordinary divine Gifts, which dispos'd 'em for the performing of those wonderful Actions recorded of them in Scripture. We find two Places in the Bible where these Judges are call'd Kings, (*Judg.* 9. 6. and 18. 1.) but improperly.

They had no Power to pronounce Sentence either in Civil or Criminal Causes, (as *Grotius* affirms upon the 5th Chap. of *St. Matthew*) without the Concurrence of the *Sanhedrim* ; the Judges being only Governours of the Common-wealth, that had the Command of their Armies, and resembled much the *Sufetes* of *Carthage*, and the perpetual *Archontes* of *Athens* : Neither were the *Carthaginians* and *Tyrians* the only People that imitated the *Hebrews*, by giving the Name of Judges to their Sovereigns : The *Goths* also had their Judges in the 4th Century ; and *Atharicus*, who began to rule over them about Ann. 369, would by no means take to him the Title

of

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of King, but only that of Judge; as taking the former to be a Name of Authority and Power, and the latter, a Mark of Prudence and Conduct. (*Collier's great Hist. &c. Diſt.*)

(4) *Saul*] The first King of *Israel*, the Son of *Kiſh* of the Tribe of *Benjamin*. He died after a Reign of 20 Years: *St. Paul* in the Acts of the Apostles says, that he reigned 40 Years, but then he takes in the 20 of *Samuel's* Government. As to the Business of the Witch of *Endor* consulted by *Saul*, tho' there are probable Reasons against the Reality of *Samuel's* Apparition to *Saul*, several Authors making no better of it, than a diabolical Illusion; yet the contrary Opinion is generally believ'd the Trueſt, as appears both from the 4th Chapter of *Ecclesiasticus*, where 'tis said, *Samuel* prophesied after his Death, and shew'd the King his End, &c. Likewise by the Witch of *Endor's* being much surpriz'd at the Apparition of *Samuel*, the Ghost appearing before she had gone through with her conjuring Ceremonies. (1 *Sam.* Chap. 28.)

(1) *Horatius*

No small Part, but even the greatest Part of Dative Nobility, gain'd to themselves Honour and Glory by their Knowledge in Martial Affairs, carrying Home with them Victory and Triumph over their Enemies, as did *Horatius Cocles* (1), *Titus Manlius* (2), *Scipio Africanus* (3), and his Brother *Scipio Asiaticus* (4); I speak not of great Emperors, such as were *Vespasian* (5), *Domitian* (6), *Nerva* (7), *Trajan* (8), *Antoninus*, *Severus*, *Theodosius* (9), and many others, who were Part of them accounted *Patres Patrie* (10), Part of them Benefactors, but all of them
the

the best of Princes, whose Images are upon their Coins even yet carried about ; and Publick Statues were in Honour of them, with certain solemn Ceremonies, erected, to the Intent that all others of Valour and Vertue should by their Deeds strive (as it were) to aspire and grow to the like Glory.

Others also, born of most base and low Condition, who by Arms in Time of War have, for their Wisdom and Courage, been promoted to the great Dignities of Emperors, *Cæsars*, Dukes, Princes, and Earls, (as *Tullus Hostilius*, *Numa Pompilius*, *Tarquinius Priscus*, *Julius Cæsar*, *Octavianus Augustus*, and such others were) from hence took the Beginnings of the Titles of their Vertues. For certain it is, that at first under the *Roman* Empire, when they had subdued the *Germans*, *Italians*, *Spaniards*, *Britons*, *Gauls*, and other most mighty Kingdoms ; Dukes, Earls, and Barons were not then in such sort as now they be, but from thence afterwards had their Birth and Rise. All their Offices were executed by *Tribunes* and *Lieutenants*. There was a greater *Tribune*, who was next to the Emperor, and his Successor. There was also a great Officer, call'd *Tribunus Celerum* (11), Lieutenant of the Army, of the Light-arm'd and most ready Soldiers.

diers. They who with a Cohort, or Band of Men, had the Guard of the Emperor's Person, and who amongst the *Romans* were of the first Order, next after the Emperor, were call'd *Tribuni Celerum*, as they were long before in the Time of *Romulus*, and of the other six Kings his Successors.

But

(1) *Horatius Cocles*; *Horatius*, qu. ὁρατός, i. e. *Aspectabilis*, vel dignus *Aspectu*: A valiant Roman Sir-nam'd *Cocles*, who when *Porfenna* had taken the Fort in Mount *Faniculum*, and the Enemies rushing into the City, the People being all in a Fright, and flying away, he with two more of his Company withstood the Force of the Enemy so long, until the Bridge was broken, or let down behind him; which when he saw, he leap'd into the Tyber and swam safe to Land. He was Sir-nam'd *Cocles* --- because he was extreemly Flat-nos'd, and that the upper Part of his Nose was so sunk into his Head, that there was no Division betwixt his two Eyes; and that his Eye-brows joyn'd; so that the People designing to call him *Cyclops*, mistook and call'd him *Cocles*. (*Plut. in Valerio*, p. 105.)

Cocles, Μονόφθαλμος, i. e. *unoculus*, *quales*, *Arimaspi*, (i. e. *lingua Scythica unoculi*. *Eust.*) People inhabiting by the River *Arimaspius* in *Scythia* of golden Sands: They have but one Eye, and that in their Fore-head; or (as *Herodotus* saith) they have two, but use to wink with the one, that they may have the other more steady when they Shoot. *Turn. ex Plaut. ab oculo Cocles qu. Ocles, dict. qui unum haberet Oculum. Varr. vel qu. Coocles, cui quasi duo oculi in unum coierunt. M. rect. a κῆλω-τε, Cocles; S. quod Cyclopes unum tantum oculum in media Fronte haberent.* Born Blind, or that hath but one Eye. *Qui altero lumine orbi nascerentur, Coclites vocabantur; qui parvis utrisq; ocella, luscini injuria cognomen habuere.* (*Plin. li. 37. Lit. Dict.*)

(2) *Titus*

(2) *Titus Manlius* ; a great *Roman Lawyer*, who being Judge betwixt his own Son and the *Macedonians*, after hearing, exprefs'd himself thus, *Seeing it is prov'd, that Silanus, my Son, hath extorted Money from the Macedonians ; I henceforth disown him as mine, and Command him never to see my Face any more.* *Silanus* was so much griev'd, that he hang'd himself next Night ; neither would his Father be present at the Funeral, but at the very Time, when he was carried to his Grave, he gave Advice to his Clients who consulted him.

(3) *Scipio Africanus.* *Scipio Cognomen ait Corneliorum ; cui Publius Cornelius initium dedit, quod Patrem luminibus orbem vice Scipionis, i. e. Baculi, regeret.* *Scipio (Publius Cornelius)* Sir-nam'd *Africanus*, was the Son of *Pub. Cornelius*. When but a Boy he us'd at certain Hours of the Day to be Private in the Capitol, where the common People gave out, he discours'd with *Jupiter*. He was not eighteen, when he rescu'd his Father in the Defeat at *Tesin*, and perswaded the Nobility of *Rome* to stay, who would have left the Town at the Defeat of *Canne*. After his Father's and Uncle's Death he was sent into *Spain*, at but 24 Years of Age ; and in less than 4 Years conquer'd that vast Country from the *Carthaginians*. In one and the same Day he beat the *Carthaginian Army*, and took new *Carthage*. The Wife of *Mardonius* (General of *Xerxes's Army*) and the Children of *Indibilis*, who were some of the first Quality of the Country, being found among the Prisoners, he caused them to be honourably conducted to their Parents, and would not so much as once look upon a young Lady of extraordinary Beauty, that was amongst them ; (a rare Instance of Continency) ; and not only so, but when a great Ransom was offer'd him for her, he freely and generously bestow'd it upon her, as an Addition to her Fortune. And soon after having finish'd the War by a pitch'd Battle he fought in *Andalusia*, where he defeated above 50000 Foot, and 4000 Horse, and deliver'd *Spain* ; he cross'd the Sea into *Africa*, where he twice defeated the *Carthaginians* commanded by *Asdrubal* and by *Syphax* King of *Numidia*. In the first of these Battles, there was no less than 4000 of the Enemies

Enemies kill'd and burnt, and 6000 taken. In the second their Forces were entirely routed, and *Lalius* and *Masaniſſa* purſu'd *Syphax*, whom they took in *Cyriha*, with his Wife *Sophonihba*: This was done Ann. Rom. 551. The next Year he beat *Hannibal* at the Battle of *Zama*, kill'd 20000 of his Men, and took as many Priſoners, and eleven Elephants, loſing not above 1500 Men; the Conſequence of which Victory was the Submiſſion of *Carthage* to the Conqueror, into which he enter'd in 553, and triumphing over *Syphax*, obtain'd from that time the Sir-name of *Africanus*, and was made Conſul a ſecond Time, and rais'd to the heigheſt Places of Truſt and Command in the Republick. In 553 (the ſame wherein *Carthage* ſubmitted) he follow'd his Brother into *Aſia*, and upon his Return being accus'd by the two *Petilian* Brothers, who were *Tribunes* of the People, of having defrauded the common Treafury, and correſponding with King *Antiochus*, who had ſent his Son *Scipio*, that King's Captive, without Ranſom; all that he had to ſay for himſelf, was, that calling to mind, that that was the very Day wherein he had defeated *Hannibal*, it was but juſt that he ſhould go to the Capitol, there to render Thanks to the Gods: Whereupon going out of the Tribunal, all the People follow'd him, as if he had never been accus'd: And ſo the Indiſtment preferr'd againſt him was dropt. Afterwards this great Man retir'd to *Lintornum* (or *Linternum*, a City of *Campania*, diſt. quod ſit *Campeſtris*, a pleaſant Champain Country of *Italy*; in the Realm of *Naples*, now call'd *Terra di Lavoro*. It was accounted the moſt fruitful and pleaſant Country in *Italy*) in the Neighbourhood of *Rome*, where he ſpent the reſt of his Life in Study, and entertaining Men of Learning. *Cicero* places him in his Dialogues of famous Orators, intitl'd *Brutus*, in Regard of his Eloquence. 'Twas he who adopt'd the Son of *Paulus*, who afterwards had the Title of *Africanus*, junior, beſtow'd upon him. (*Tit. Livy. Lib. 23. 60th Seq. &c.*)

(4) *Lucius Scipio Aſiaticus*; *Lucius Cornelius Scipio Aſiaticus*, was the Son of *Pub. Scipio*, and Brother of *Scipio Africanus*, whom he accompanied in the Wars of *Spain* and *Africa*. He was the leſs qualified for great Actions,

Actions, because he had a very sickly Constitution. He was Consul in 564, and at the same Time sent General of the Roman Army against *Antiochus*, his Brother *Publius* being his Lieutenant; and having defeated *Antiochus* in the Magnesian Fields (*Magnesia dict. a Lapide ferrum trabente, qui circa eam proveniret*) near to *Sardis* (according to *Pliny*, or *Sardes* according to *Ovid*, the chief City once of *Lydia*, near Mount *Imolus*, as *Virgil*, or *Timolus*, as *Ovid*; out of which riseth the River *Pactolus*, having golden Sands, and therefore call'd *Chrysorreas*, by *Solinus*, after that *Midas* had wash'd off his golden With in it, where King *Crasus* kept his Court, obtain'd the Title of *Asiaticus*. *Antiochus's* Army consisted of 70000 Foot, and 12000 Horse, besides a great number of Chariots, arm'd with Sythes, and many Elephants; the Roman Army being not above 30000 in all. The Enemy lost in this Engagement near 50000 Foot, and 4000 Horse, besides 1400 taken, with 15 Elephants. Being afterwards accus'd by *Cato* of mispending the Publick Money, and condemn'd; as they were leading him to Prison he was releas'd by *Gracchus*, the Son-in-law of *Scipio Africanus*; but his Goods were all forfeited, tho' it appear'd afterwards he was Innocent. (*T. Livy. Lib. 38.*)

(5) *Vespasian*] *Titus Flavius*, Son of an honest *Publican*, and Grand-Son of a Collector; who had been Captain of a Company of an 100 Men in *Pompey's* Party, and who escap'd from the Battle of *Pharsalia*, rose to the highest Dignity on Earth, being created the 10th Emperor of *Rome*, in the Year of Grace 69. He was born in a Village of the Country of the *Sabini*, near *Reate*, the 17th of *November*, in the Year of *Rome* 761, i. e. the 9th Year of Christ. 'Tis observable that *Vespasian's* Maternal Ancestors were more Illustrious than the Paternal; for *Vespasia Polla* his Mother was a Senator's Sister, and Daughter of *Vespasius Pollio*, who went thro' considerable Offices in the Army. Several Monuments of this Family were observed at a Place call'd *Vespasia*, on the Top of a Mountain, six Miles from *Nursia*, in the Road to *Spoletto*, which discover'd its antient Lustre. *Vespasian's* elder Brother assuming the Sir-name of *Sabinus*, affords us Reason to conclude, That in that Age, the younger Brothers sometimes

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took a Sir-name borrow'd from their Mother's Family, and terminated like those which indicated Adoption. He was brought up in the Country by *Tertulla* his Grand-Mother by his Father's side, and preserv'd so great a Respect for her Memory, that at great Solemnities he always drank in her Goblet. He pass'd gradually through all the Dignities of the Empire. He was made *Tribune* of the Soldiers in *Thrace*, as a Reward of his Services. *Creta*, and the Province of *Cyprus* fell to his Lot when he was *Quaestor*: He was refus'd the Office of *Edile* the first Time he stood for it: He obtain'd it afterwards, but was the last of the six *Ediles*, to which he could not arrive without some Difficulty: He was a more successful Candidate for the Pratorship, he got into the first Rank the very first time he stood for it; he made use of a great many Arts to gain *Caligula's* Favour, and stood very well with *Narcissus* under the Emperor *Claudius*; by the Interest of which Favourite he was sent into *Germany* at the Head of a Legion. He was afterwards sent into *Britain*, where he fought the Enemy thirty times, subdu'd two Potent Nations, above 22 Towns, and the *Isle of Wight*, in Recompence whereof he obtain'd the triumphal Ornaments, two Priesthoods and the Consulship. He liv'd in a sort of Retirement, whilst *Agrippina* continu'd in Favour, who hated all *Narcissus's* Friends: Returning to Publick Employments, he became Pro-consul of *Africa*, which Post he very honourably discharg'd, without enriching himself. He accompany'd *Nero* in his Voyage to *Greece*, but not having the Complaisance to applaud that Emperor's singing, he was utterly disgrac'd, and conceal'd himself in an obscure Town; he did not believe himself safe there, he fear'd the fatal Effects of *Nero's* Rage, when he receiv'd the News, that the Government of a Province, and the Command of an Army were bestow'd on him --- No Person was found so proper as he to reduce the *Jewish* Nation to Obedience, which had presum'd to revolt. This Expedition, in which *Titus*, his Son, serv'd him as Lieutenant-General was perfectly glorious, and open'd a Way to the Throne: which great Rise he began to hope for, during the Civil War betwixt *Otho* and *Vitellius*. He so straight'n'd the *Jews* in a long Siege, that there died of them with Famine and Sword 1100000, besides an 100000 he

he took Captives.--- Neither is this wonderful, for all the Jews were now gather'd to *Jerusalem*, to Celebrate their Passover, and were then pinn'd up, that as they had put Christ to Death at that Time with one Consent, so they might at that Time be gather'd together to their own Destruction. This was taken *Ann. Christ. 70. Sept. 7.* by *Titus*, whom *Vespasian* left in his Place, when he went from the Camp to be proclaim'd Emperor at *Rome*.

He was the first who mended on the Throne; and not to own he remedy'd several Evils, and did some very good Actions, were to be unjust: The Desire of amassing Treasures was his great Vice, which he took no care to hide; yet there is Reason to believe that he contriv'd it so, that part of his Extortions was imputed to his Concubine *Canis*. We find in *Xiphilus's* Abridgment of *Dion Cassius*, that this Emperor lov'd her tenderly, and was accountable to her for the great Power which he acquir'd, and the vast Treasures which he amass'd. She sold all the Offices depending on the Law, the Sword, and Religion, besides the very Answers of *Vespasian* himself; no Body lost his Life under that Emperor upon the Account of his Money; but many sav'd it by the Help of their Purse: *Canis* receiv'd all those Sums, and he was suspected (not without Reason) to be privy to it: *Canis* was made Free by *Antonia* her Mistress, and was Secretary to that Lady. *Vespasian* kept her in his House before he marry'd, sent her away when he marry'd, and took her again after the Death of his Wife, and treated her almost like a Wife. After her Death he took several Concubines, which shew'd that he thought none sufficient to supply her Place, and that he had recourse to several, to compensate the Loss which he suffer'd in this true Mistress. She had a great Share of Fidelity, which was one Reason why this Historian mention'd her.--- To impute his avaricious Extortions to this Concubine, was a poor way of this Emperor's clearing himself; for even those, who had believ'd that he knew not that she sold Places, would have account'd this Ignorance a most scandalous Fault. He was the first that laid a Tax upon Urine, and at the same time told his Son *Titus*, *Dulcis odor lucri ex re qualibet.* (*Suet. in vita Vespasiani.*) He dy'd of a Flux the 24th of June, in the Year 79, after a Reign of 10 Years, wanting 6

Days, Aged a little above 69 Years. It ought not to be forgotten, that he deputed himself with great Moderation towards those who had offended him; and shower'd numerous Presents and Favours on ingenious Men, and those who cultivated the Liberal Arts. He never was ashamed of the Meanness of his first Condition, but ridicul'd the vain Efforts of several Genealogists, who would make him to be descended from one of *Hercules's* Companions: He was very fond of Raillery, which he carry'd to a great degree of Buffoonry, and made no Scruple of the most obscene Expressions: Being accusom'd to this in his private Condition, it would have been very difficult for him to have abstain'd from it on the Throne; for the Itch of Jestng is one of the most incurable Ones that can possibly infect a Person: However, it is infinitely below the Character of a Great Monarch, to debase himself by scurrilous Jestng, as *Vespasian* did. Did he believe these Railleries would make People insensible of the Oppression of his Exorbitant Exactions? (*Bayle's Hist. and Crit. Dict. &c.*)

(6) *Domitian*] The 12th Emperor of *Rome* after his Father *Vespasian*, and Brother *Titus*, which last 'tis thought he poyson'd to come to the Throne. He set out well, making good Laws at first, finishing many Buildings, and restoring the Libraries that were burn'd; but afterwards he turn'd so Cruel and Impious, that he put many Persons of Note to Death, began the 2d Persecution against the Christians, debauch'd his own Niece, delighted in Sodomy, took the Names of God and Lord, and had probably done worse, had he not been murder'd by *Stephen*, *An. 96. J. C.* In the Beginning of his Reign he us'd to be much in his Closet, where, to satisfy his cruel Temper, he wholly pass'd his Time in killing Flies, and pricking them through with a Bodkin; whereupon *Vibius Crispus* being ask'd, who was with the Emperor? answer'd, *Not one living Body, not so much as a poor Flie is with him:* All this may be found in *Suetonius*.

(7) *Nerva*] (*Cocceius*) Succeeded, as the 13th Emperor, *Domitian*, who had before banish'd him in 96; he immediately, upon his Accession to the Throne, recall'd those that

that had been banish'd for Religion ; favour'd also the Jews, and forgot nothing that might contribute to the Restoring of the Empire to its former Lustre : But not being able, by Reason of his great Age, to perfect what he had begun, he adopted *Trajan*, a Man in all Respects worthy to be his Successor. *Nerva* dy'd *January* the 27th, 98. in the 66th Year of his Age ; or, according to *Eutropius*, in his 72d, having reign'd 1 Year, 4 Months, and 11 Days. He commanded the Army in *Gaul*, when he was declar'd Emperor.

(8) *Trajan*] (*M. Ulpius Crinitus*) An Emperor of *Rome*, was born at *Italica*, a Town of *Spain* in *Andalusia* ; or, as others will have it, at *Todi* in *Italy*. He was a Prince, in whom many civil Vertues shin'd with great Brightness, which he eclips'd with the extreme Cruelty which he shew'd towards the Professors of Christianity ; for tho' he publish'd no express Edict against them, yet the Prohibition of Night-Assemblies, and new and foreign Religions, furnish'd the Governors and Presidents of Provinces with an Occasion of persecuting the Faithful ; the Rage of which Persecution ceas'd a little upon *Pliny* the younger's Advice ; but this Cessation was but short-liv'd. *Trajan* hearing that *Decebulus*, King of the *Daci*, had revolted, march'd his Armies into his Country, and having defeated him twice, reduc'd *Dacia* into a Province. After this Conquest, he return'd to *Rome*, where he gave Audience to several Foreign Ambassadors, some whereof came from the *Indies*, tho' their Name was hardly known at that time. 'Twas then he began to Build the Famous Pillar of his Name, one of the Master-pieces of Architecture, which was not finish'd till 7 Years after. Pope *Sixtus* the Vth Re-built it, and got *St. Peter's* Statue put upon it. He afterwards won great Victories over the *Armenians*, *Parthians*, *Osdroemians*, *Arabians*, &c. and over the Inhabitants of *Colchis*, and the *Persians*, which he subdu'd with a Glory that would have been unparalleled, had he not stain'd it by banishing 11000 Christians, which he disbanded out of his Army, and sent into *Armenia*. He had like to have perish'd in the dreadful Earthquake that happen'd at *Antioch* in his Time, had he not been drawn out at a Window. After this, he quite

exterminated the Jews who had revolted, and dy'd in a Town of *Cilicia*, then call'd *Selinunte*, and afterwards the Town of *Trajan* or *Trajanopolis*. His Death happen'd in the 117th of Christ, the 64th Year of his Age. *Pliny* the younger spoke that excellent Panegyrick to him, which is still extant: But his Cruelty, intemperate Love of Boys, and his Excess of Wine, shew the great Flattery of his Admirers. *Dion. Aurelius. Victor. Eutropius, &c.* afford us this Account of him.

(9) *Theodosius*] The first Emperor *a Deo datus*, call'd Great, Son to another of that Name, an excellent Officer, whom *Valens* put to Death in *Africa*, tho' 'twas he that deliver'd him from the Tyranny of *Firmus*, was born in *Spain*. This Emperor liv'd in *St. Ambrose's* Time, to whose Censure he meekly submitted himself. He dy'd at *Milan* of a Dropsie in 395, Aged 60, leaving two Sons, *Arcadius*, Emperor of the East, and *Honorius* of the West. (*Eachard's Rom. Hist. &c.*)

(10) *Patres Patrie*] *Pij*, and such like Titles, given to the Emperors in the elder Times of the *Roman* Empire by the State or Senate, nor taken by themselves, *ἐπὶ τοῖς πατέρεσσι καὶ δόξαις τοῖς ἑαυτοῦ δόξαν* (as *Dion's* Words are, *Hist. Lib. 53.*) that is, that they might not seem to have any Thing in them, but what the State conferr'd on them. (*Seld. Tit. Hon. Part the First, p. 50, and 51.*)

(11) *Tribunus Celerum*] Tribunes of the Light Horse; Officers in the *Roman* Army, who were Colonels of Horse in the Time of the Kings of *Rome*: These Horse, call'd *Celeres*, resembled our Dragoons, and fought on Horse-back, or a Foot, as they saw Occasion,

(1) *Rom.*

But for a more full Satisfaction in this Matter, take *Eachard's* Description of these *Tribuni Celerum*, as to their Original Name, Number,

ber, when laid aside, reasum'd, and their Number increas'd. The next Thing (saith he) (1) that *Romulus* did, was to take Care of a Guard for his Person, and therefore he order'd the *Curia* to chuse him out of three Hundred lusty young Men, Ten out of each, and these were call'd *Celeres*, a *Celeritate*, from their Activity and Readiness to serve the King upon all Occasions. They were commanded by a Tribune or Colonel, call'd *Tribunus Celerum*, three Centurions, and other inferior Officers. These, by *Numa Pompilius* (2), second King of *Rome*, were disbanded, which was the very first Thing he did at his Entrance upon the Regal Government; saying also at the same time, That he would Rule over that People, of whom he conceiv'd the least Distrust. *Tullus Hostilius* (3), third King of *Rome*, resum'd them again; and *Tarquinus Priscus* (4), fifth King of *Rome*, doubled them. He had design'd to have added three Centuries of the *Celeres* to those three instituted by *Romulus*, but was forbidden by *Astius Navius* (5) to alter the Constitutions of that King: So without creating of new Centuries, he only doubled the Number of the former.

The great Officers, call'd *Magistri Equitum*, or Masters of the Horse-men, had like Power

with the Dictators, and with the Emperors, as *L. Fenestella* (6), *Pomponius Latus de Magistratibus Romanorum* (7), and *Flavius Vegetius* (8) and *Marcus Tullius Cicero*, treating of Martial Affairs do describe.

But

(1) *Rom. Hist.* Vol. I. Cap. 1. p. 11.

(2) *Ibid.* Vol. I. Cap. 2. p. 21.

(3) *Ibid.* Cap. 3. p. 30.

(4) *Ibid.* Cap. 5. p. 37, 38.

(5) *Actius Navius*,] *Augur novacula cotem praeidit spectante Tarquinio prisco Rege, quo factum est, ut &c a Rege &c a Populo semper in rebus dubijs consuleretur.*

(6) *L. Fenestella*.] There were two of this Name. One a learned Historian, who liv'd in *Tiberius Caesar's* Days, or (as *Eusebius* saith) in *Augustus Caesar's* Time. The other, whom we are here concern'd with, liv'd long since him, and wrote *De Sacerdotijs &c Magistrat, Rom.* Sic dictus a medio capitis calvo, &c.

(7) *Pomponius Latus* (*Julius*) Born in the Kingdom of *Naples*, is said to have been the Natural Son of a Prince of *Salerno*, and was in Esteem at *Rome* in the 15th Age, in the Time of *Pius* the II^d, with *Platina* and *Callimachus*; (but was not in the Time of *Paul* the II^d.) against whom, it is not doubted, but he was one of them that conspir'd; and, perhaps, to avoid Punishment, retir'd to *Venice*, but came afterwards to *Rome*, publish'd an Abridgment of the Lives of the *Cesars*, from the Death of *Gordion* to *Justin* the 2^d, a Book of *Mahomet*, and one concerning the *Roman* Magistrates. Obijt Aetat. sua 70 Ann. in the Time of *Alexander* the VIth, and as it is said

said in a very poor Condition. *Sabellicus*, who was his Disciple, wrote his Life.

(8) *Flavius Vegetius*] Of *Constantinople*, liv'd in the 4th Age, under the Emperor *Valentinian*. He writ a fine Treatise of the *Roman* Martial Discipline, which is very useful for the Knowledge of the Order the *Romans* observ'd in their Wars; and of Horse-Leech-Skill, or Farriery.

(1) *Hertzogen*.]

But *Pomponius Lætus* writeth, that *Romulus* call'd the General of an Army (whom the Germans call *Hertzogen* (1) *Tribunum Celerum*: *Sallustius* (2), in his Treatise concerning the Conspiracy of *Catiline*, hath call'd them *Dictatores & Imperatores*, Dictators and Emperors. *Eachard's* (3) Words are; The Dictator, upon his Creation, always made Choice of another Officer, who had either been Consul or Prætor, to assist him: This Officer was call'd *Magister Equitum*, who had chief Command over the Horsemen, as the Dictator had over the *Roman* People. In the Dictator's Absence, this Master of the Horse executed his Place in the Army; if present, he commanded the Horse, yet so as to be obedient to the Dictator's Orders, and never to fight either contrary to, or without his Commands. Besides, great Magistrates, call'd *Præfecti Prætorio*, were of so great Credit and

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Authority, that if Appeal had been made from their Sentence, Appeal might again be made from the Emperor to the *Præfecti Prætorio*, who for their great Wisdom, Goodness, and Justice, were by the Emperors chosen into that Office, and had almost the whole Estate of the Commonwealth committed to them. *Severus* (4) granted many Things to the great Officers, called *Præfecti Urbis* (5), and *Præfecti Prætorio*, of both which here to speak were needless, since my Design is only to touch upon the Authority of the latter (the Captain of the Guard) which the Emperor gave solely to him, who was the chief, lively, and very essential Law it self, and had Power to thrust Citizens into Exile, and restore them to their Estates again. Hence it is most evident, that Princes and Governors of the People had the Power and Authority of the Sword to punish Offenders, and administer Justice, whereby they were afterwards thought to procure, and get a great Name of Nobility to themselves and their Posterity. And very probable is it also, that the Authority of Princes and Dukes had its Origin from the *Tribuni* and *Præfecti*; which Princes, at such time as the *Roman* Emperors remov'd out of *Germany* and *Italy* into *Greece*, are reported to have assumed

sum'd to themselves the Imperial Power; which Authority and Regal Privileges we see (even at this Day) granted by Kings and Emperors to Dukes and Princes; so that the Election of Princes and Dukes dependeth not upon their Subjects (as the Election of Kings doth) but is Datively, as of Gift, to be referr'd to the Favour and Bounty of the Emperors and Kings to whom they have been subject,

And

(1) *Hertzogen*.] The *Germans* call their Dukes *Hertzogen*, and a Dutchy *Hertzogthumb*, at this Day. So *Ertzhertzog*, Great Duke.

(2) *Sallustius*] (*C. Crispus*) A Latin Historian, born at *Amiternum*, a City of *Italy*, suppos'd by some to be the same that is now call'd *San-Vittorino*. He was educated at *Rome*, where he had several important Employments. Never did any Man set down better Sentences than he in Commendation of all Vertues, nor make sharper Invectives against the Luxury and Avarice of his Times; yet for all this, he was for his loose and debauch'd Life banish'd the Senate by the Censors, and was whipp'd and fin'd for Adultery, which *Milo* took him in, as *Aulus Gellius* tells us from *Varro*. True it is, *Cesar* restor'd him to the Dignity of a Senator, got him made Prætor, and sent him into *Numidia*; which Province having outrageously pillag'd, he return'd so rich to *Rome*, that he purchas'd a most sumptuous Building upon Mount *Quirinal*, with those Gardens which to this Day are call'd the *Sallustian* Gardens, besides his Country-House at *Tivoli*. He marry'd *Terentia*, the divorc'd Wife of *Cicero*, and dy'd in the 185th Olympiad, about the Year of *Rome* 719. We have nothing but some Fragments of the chief History

story of *Sallustius*, which he began from the first Building of the City of *Rome*; and the two only entire Pieces we have of him, are, *The Conspiracy of Catiline*, and *The War of Jugurtha*. *Martial* judgeth him to be the most considerable Author of the *Roman History*.

(3) *Rom. Hist.* Vol. I. Lib. 2. Cap. 2. p. 75.

(4) *Severus*] (*Septimius*) An Emperor of *Rome*, born at *Septis*, a *Roman* Colony in *Africa*, was a great Enlarger of the *Roman* Empire, though the 6th Persecution, wherein *Irenaeus* suffer'd, rag'd in his Time. He built the *Piet's* Wall in *England* from Sea to Sea, about 32 Miles in Length, the Ruins whereof are still to be seen to this Day. The Elder of his two Sons having attempted his Life, it threw him into a Melancholy, whereof he dy'd a Year after at *York*, the 4th of *Feb.* 211. after a Reign of 17 Years and upwards.

(5) *Præfeti Urbis*] Or *Præfeti Urbi*; Governors of Towns, whose Business it was (in the Time of the *Romans*) to look to the River and High-ways.

(1) *Empe-*

And as in former Times the Names of Duke and Prince were Names of Offices, and not of Honours and Dignities; so in the Times of the *Romans*, the *Roman* Kings, their Dictators, and Consuls, and also their Emperors (1), were, in the Administration of their Civil Affairs, all Martial Men both of Horse and Foot.

But, besides these great Offices of the *Tribuni* and *Præfeti*, there were other Publick Offices and Charges; some call'd *Ordinarij*, because they kept Orders in the Army, and stood in the

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the Front of the Battle : Those, in the Time of *Augustus*, were wont to be call'd *Augustales*; and of *Fla. Vespasianus*, *Flaviales*. Some were call'd *Aquiliferi*, carrying an Eagle (2) in their Ensigns ; others went by the Name of *Imaginarij*, bearing the Ensign of the common or general Army of the People of *Rome*, remarkable with the Letters *S. P. Q. R. Senatus Populusq; Romanus*, or the Senate and People of *Rome* ; whom I can more properly compare to none, than to our Standard or Ensign-Bearers.

But were I here to prosecute all Things in Order, this Treatise would abundantly swell beyond my Design, which in this Place is only slightly, as it were, to shew the Beginnings of Noble Dignities and Offices, lest any Man should suspect them to be but altogether fictitious, and not grounded upon Reason : Rehearsing in the mean time these Things by the way, that when I shall come to our own Age, it may appear how much Powers, Dominions, and Nations, differ amongst themselves ; for they, who in antient Times were under Kings and Emperors appointed Governours over Regions and Countries, are now become Hereditary Possessors thereof ; and they who before were but
Noble

Noble Ministers or Servants, are now become
Absolute Nobles.

By

(1) *Emperor*] *Lat. Imperator*; a Name which the *Romans* gave to all the Generals of an Army; but in a strict Sense, that General was call'd more particularly *Imperator*, or Emperor, who having won some signal Victory was so saluted by the Acclamations of the Soldiers, and afterwards honour'd with the same Title by a Decree of the Senate. To which Purpose, he ought to have gain'd a Battle where in 10000 had been slain on the Enemies side, or else to have conquer'd some very considerable City. *Cesar* was call'd Emperor by the *Roman* People to denote his Sovereign Power over the Republick; for when he, thro' the Greatness of his own Fortune, and by Reason of the degenerating Spirits of the *Romans*, had made himself Master of their so Free State, he thought it safer to retain, than innovate his Title of Supremacy; and therefore having the perpetual Office of Dictator and Consulship, with the Place of General or *Imperator* (as the Word hath Relation to his Military Forces) he took that also (being as willingly given him as the rest) for a perpetual Title: *Honores nimios recepit (ait Tranquillus) ut continuum Consulatam, perpetuam Dictaturam, Praefecturamque Morum, insuper Praenomen Imperatoris, &c.* And after him it hath continu'd to this Day in the Title of his Successors; yet withal, since him, and before his next Successor *Augustus*, it was us'd likewise in their Titles, who for a breathing-time had with a desperate Cure recover'd the Publick Liberty. For both *Brutus* and *Cassius* have it in their Attributes upon their Coins inscrib'd, sometimes with two Poignards and the Cap of Liberty, thus, *Brut. Imp. & C. Cassij Imp. Libertas*, and the like; as also it occurs in the Inscriptions of *Lepidus* and *Antoninus*, the 30 Tyrants, and some others. But whereas that Passage of *Tranquillus* makes it his *Praenomen* or Forename, as if it were first to be mention'd in the Title of the Emperors who derive from him, I think he was de-

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ceiv'd. For in all the Inscriptions that occur of him in his Coins, or otherwise, I find not the Title of Emperor preceeding his Name, but always subsequent; as *Cesar Imp. P. M.* and the like very often. Neither was it in his Successors constantly kept as a Fore-name; but sometimes it preceeded, as may be seen in divers of *Augustus* his Coins, and the following Emperors, as especially in that of *Justinian's* Title, *Imperator Caesar Flavius Justinianus*; and sometimes it follow'd, as at this Day it doth in the Emperor's Title. But indeed it appears, that in the Successors of *Julius*, there was a difference in the Use of it as subsequent, and the making it a Fore-name. For the using of it as subsequent, denoted only (or at least chiefly) some great Performance by Arms in settling or increasing the Empire. But when it was a Fore-name, it signify'd, in those elder Times, only the Emperor's Supremacy in the State. Whence it falls out, that sometimes it is us'd twice in one Expression of the Emperor's; as in one of *Augustus* his Coins, the Inscription is, *Imp. Caf. Aug. Imp. IX. T. R. P. V.* where the Fore-name of *Imperator* denotes his Supremacy; but that of *Imp. IX.* (which is subsequent, and signifies, that he had, as a General, deserv'd a Triumph nine times) hath Relation only to the several great Benefits which the State had receiv'd by his Arms. That which follows, *T. R. P. V.* being the Number of the Years since he had the *Tribunitia Potestas* given him, which was also every Year renew'd to the Emperor's, and therefore in that Number also the Years of their Empire were express'd. (*Dio Cassius, Hist. 53. Seld. Tit. Hon. Part the 1st, Cap. the 2d, pag. 11, & 12.*) But at present he is only call'd Emperor, who is Chief of the *German* Empire.

(2) *Eagle*] Military Colours, which several Nations carry'd in Imitation of *Jupiter*. The *Persians* (for Instance) do so, as *Zenophon* teacheth us; and the *Epirots* seem to follow them, in their Custom of fixing an Eagle upon the Top of a Pike. The *Romans* had the same Fancy; the Eagle upon their Standards was represented with her Wings spread out, grasping a Thunder-Bolt in her Talons, and in a Posture of being ready to let it fly. This Eagle was kept in *Saturn's* Temple, from whence they took

took it, when they were going to make a Campaign. And thus in Time of War, they us'd to plant it in their Camp, and in the Field of Battle, and when they found it very hard to pluck it out of the Ground, they look'd upon it as an ill Omen, as it was prov'd upon the Experiment to *Craſſus*, when he paſs'd the *Euphrates*. In ſhort, the *Romans* had a great Veneration for theſe Military Eagles, made a ſort of Gods of them, and built them a little temple for themſelves, as *Dionyſius Harlicarnaffus* informs us. *Tacitus* alſo calleth the *Roman* Eagles Legionary Deities; and in ſome Medals of *Auguſtus*, there is the Figure of an Eagle, with an Altar burning before her. There are Eagles likewiſe in *Trajan's* Pillar, with Emperors carv'd to the half Length. This great Veneration, the Antients had for their Colours, is the reaſon why Soldiers think themſelves ſo much oblig'd to keep them from falling into the Enemies Hands, and chooſe rather to loſe their Lives, than their Colours. The *German* Empire gives a double Eagle for their Arms, which Cuſtom (as *Munſter* and *Albrand* relate it) was begun by *Charlemagne*; but the *K.* of the *Romans* gives only a ſingle Eagle. *Joannes Baſilius* great Duke of *Muſcovy*, being willing to impoſe upon the World his Deſcent from the *Roman* Emperors, gave a double Eagle for the Arms of *Ruſſia*; but then there was ſome Difference in the Bearing; for the *Muſcovitick* Eagle was in the Poſture of making a Stoop, but the *Roman* Eagle in that of Touring up to the Sky. In fine, both the *Romans* and *Greeks* believ'd the Souls of Kings and Princes were at their Deaths, convey'd by Eagles into Heaven, which gave the Riſe to the Cuſtom of commonly Ornamenting the Statues of their Emperors with the Figure of an Eagle. The Eagle of the *Roman* Empire is repreſented double-headed in Heraldry, but 'tis uncertain when, and why this Cuſtom began; *Lipſius* upon *Trajan's* Pillar, obſerves that there was the Figure of a Soldier; who bore an Eagle with two Heads upon his Shield; but then we muſt obſerve, that this is the only Inſtance in all Antiquity of an Eagle with two Heads. And beſides the Learned Conjeſture, that this Soldier's Eagle was put to ſignify, either that two Legions were thrown into one, or that one Legion was commanded by two general Officers. Some Authors pretend, that *Conſtantine* the

the Great took the Eagle with two Heads, or the Spread Eagle, for the Cognizance of the Empire, upon his making himself Master of both the Empires, *East and West*; in the Year 325: *Trissino* thinks that this Eagle had not two Heads, till after the Division of the Empire between *Arcadius* and *Honorius*, Ann. 395. And this also Cardinal *Bellarmino* thinks. Other Writers fancy that *Sigismund*, Son to *Charles* the IVth was the First that us'd this Bearing, in 1410. Their Reason is, because, since this Emperor's Reign, the Eagles stands upon Monuments and other Records, in this Figure, but not before; for even in the Golden Bull, made by *Charles* the IVth, the Eagle has but one Head. Notwithstanding by their Favour we have a small silver Coin of *Robert* of *Bavaria*, who was Emperor before *Sigismund*, upon which, on one side there's the Flower-de-Lys of *Florence*, and on the reverse a *St. John* Baptist, with two Coats of *Bavaria*, and a little Spread Eagle with two Heads. Father *Menetrier* tells us, that the Spread-Eagle with two Heads was first given by the *Eastern* Emperors, and that the Fancy of it is the same with that of the double Cross, which we see upon their Coins; for the Cross being now the Sceptre of the Christian Emperors of *Constantinople*, when there happened to be two Emperors upon the Throne together, their Effigies were both stamp'd upon the same side, with one Cross charg'd upon another, which each of the Emperors held in his Hand. 'Tis very likely the Eagle was born the same way in their Cognizances, and they either bore them double in Sur-charge, or else represented a single one with two Heads; and that this way of Bearing was soon imitated by the *Western* Emperors: However *Cuspinian* observes, that the *German* Imperial Eagle is not single with two Heads, but that there's two Eagles, One of which having her Pinions spread, covers the Body of the other. (*Supplement to Collier's great Hist. &c. Dict.*)

(1) Sir

By what hath been already said, it most plainly appeareth, that the Kindred, Stock, and

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Descent of the Nobility in former Ages flourish'd, and became famous only by Vertue, Noble Acts, and Valour of Mind; and that, Vertue set apart, we are all, as much as concerneth Man's Nature, the Sons of *Adam*. So that according to the Rule of Theological and Philosophical Nobility (which our Ancestors principally regarded) to boast of Nobility by Birth without Vertue, was but a vain Thing:

*Nam Genus, & Proavos, & quæ non fecimus ipsi,
Vix ea Nostra voco - - -*

I therefore earnestly intreat and exhort all Men, that forasmuch as Vertue cometh not by Inheritance, every Man would of himself endeavour to become Noble; for they who otherwise brag and boast of Nobility, seem only Honourers of Vertue upon another Man's Credit, and live not by their own. And surely (as that great Man *Sir Walter Rawleigh* (1) insinuates in his incomparable History of the World) (2) if we had as much Sense of our degenerating in Worthiness, as we have of Vanity in deriving our selves of such and such Parents, we should rather know such Nobility (without Vertue) to be Shame and Dishonour, than Nobleness and
Glory

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Glory to vaunt thereof ; but with Grief be it spoken, the Fashion and Manner of the World now-a-days is quite the Reverse ; For what cannot Flattery, the Favour of Princes, and too much Indulgence do and bring to pass ?

Thus

(1) Sir *Walter Rawleigh*, Son of *Walter Rawleigh* Esq.; by *Catherine* his Wife, Daughter of Sir *Philip Chamberlain*, Knight, was born at *Budeley* in *Devonshire*, and tho' Educated in the University and the Inns of Court, was forc'd, thro' the Narrowness of his Fortune, to expose his Person in the Land-Service of *Ireland*, where the Lord *Grey* (under whom he serv'd) and he disagreeing, both were sent for to be heard before the Council-Table ; *Rawleigh* pleaded his Cause so well that Queen *Elizabeth* took particular Notice of him, and receiv'd him into her Favour, which by many successful Services for her, both by Sea and Land, he preserv'd, being very active against the *Spanish Armada* in 1588, and Joynt-Commander with the Earl of *Essex* in the Sacking of *Cadiz*. She made him Captain of her Guards, Warden of the Cinque-Ports, and Governour of *Virginia*, which he had discover'd ; leaving the Arrear of Recompence due to his singular Merit to be paid by her Successor King *James*. But being turn'd out of his Place of Captain of the Guards at the very Beginning of this King's Reign, and another (a *Scotch Lord*) put in his room, it brought upon him that Discontent, which hurried him into the Company and Society of the Lords *Cobham* and *Grey*, Sir *Griffin Markham*, *George Brook* Esq.; and others who had more real Designs against the Government, than himself ; and prov'd fatal to him. For in *July* 1603, he was apprehended and committed to the Tower for a Combination with the 'fore-mention'd Persons, and others to subvert the State, and set up the Lady *Arabella Steward* ; and being brought to his Tryal on the 4th of *November* following at *Winchester*, was found guilty of High-Treason, and had Sentence pass'd upon

upon him accordingly: But the King of his Mercy refused Execution, and was contented to detain him 14 Years in the Tower; where with great Reputation he spent his Time in writing his Incomparable History of the World (a Design and Performance so great, that no other Man of less Parts and Abilities could have accomplish'd) and might have continu'd a happy Man, had he not been releas'd, for being desirous of Liberty, after so long a Confinement, he projected to the King a Voyage to *America*, upon a particular Assurance from one Captain *Kemish* of gaining a Mine of Gold in *Guyana*, a Country which he had formerly known. The King (well enough appriz'd of his Skill and Bravery) condescended to the Undertaking, giving him a Commission under the Great Seal of *England* to set out Men and Ships for the Service; but first commanded him upon his Allegiance to give under his Hand the Number of his Men, the Burthen and Strength of his Ships, together with the Country and River which he was to enter. All which being exactly done, and coming so timely to the Knowledge of *Gondomar* (Embassador then from the King of *Spain* at the *English* Court) that Provision was made in the *Indies* for his coming, his Expedition on prov'd unsuccessful. However, rather than see *England* again without doing something, and bearing deadly Hatred to the *Spaniards*, he fell upon *St. Thomas*, a Town of theirs, and without much difficulty made himself Master of it; which Fact *Gondomar* complaining of, and aggravating to the King, he was at his return Home, in 1611, apprehended by Proclamation, and re-committed, and after a Reprieve of 15 Years Beheaded, in the 66th Year of his Age, to the deep Concern of many worthy Persons notwithstanding the Allegations he made in his own Defence, viz. That the *Spaniards* urg'd him to it by their first assaulting him; and that he could not come to the Mine without winning the Town.

Thus died the great Sir *Walter Rawleigh*, highly in Favour with Queen *Elizabeth*, and, next to *Drake*, the great Scourge and Terror of the *Spaniards*: a Man of extraordinary Bravery, and admirable Abilities; whose Death was One of the great Blemishes of King *James*'s Reign. Besides his *History of the World*, he writ several other Pieces, viz.

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The Cabinet Council, containing the Chief Acts of Empire, and Mysteries of State.

An Account of his Catholick Majesty's Power and Riches: The Rise and Ruin of the Sarazen Empire: Of Mines, and Tryals of Minerals.

The Prerogative of Parliaments in England.

Instructions to his Son, and his Posterity.

Divers Speeches and Arguments in several Parliaments, &c.

(2) Book the First, Part the First, Chapter the Ninth, Section the Fourth.

(1) Pope

Thus have I given you my Judgment of Political Nobility in antient Time amongst the Gentiles, which Philosophers have here-to-fore set forth to us as a wavering Thing (and Divines as a Thing uncertain) whilst they, in speaking thereof, omitted the Civil Rights of Persons.

It were verily to be wish'd that the Ornaments of Vertue should be every where conferr'd and bestow'd upon none, but such in whom Vertue itself resteth; since as the Increase of Honour; to the Credit and Reputation thereof also is proportioned to be gotten not by Ambition, but by Industry. But as Political Nobility is another Thing, whereof there be divers Beginnings, and those of such Sort and Condition, as make in every Man who hath them, a Beginning and Excellence proper and peculiar to himself; so

it is from the rest of the Kinds of Nobility (*viz.* Theological and Philosophical) by this only Difference distinguish'd, That whilst they rest alone upon Religion and Vertue, this Civil Nobility resteth upon the Customs of Nations.

But if these old and most antient Times of the *Roman* Empire be compar'd with ours, we shall find no Token of that antient Nobility in the Courts of Princes. If we seek for such as they call'd *Patricij*, or Senators (whom the *Romans* reverenc'd as Men sent down from Heaven) we shall find them no where but in Cities, and great Towns, exercising Usury and Merchandize, (Trades utterly prohibited by the *Romans*) whom (tho' within their own Walls they be much regarded and esteem'd) our noble Courtiers were wont to scoff at, and ridicule. Or if we go to the Time of *Pope* (1) *Urban* (2), who made *Charles* (3) the Son of King *Lewis* (4) VIIIth in *France* a Senator of *Rome*, when he should rather of his own Right have grac'd him with the Cardinal's Hat; how ridiculous a Comparison was it of the *French* King's Son with a Senator of *Rome*, as the Matter now standeth?

Now

(1) *Pope.*

(1) *Pope.*] The Word *Papa*, *Pope*, has undergone a like Fate with divers other Words, which antiently were taken in a quite contrary Sense to what they are now: For Example, The Word *Tyrant* antiently signified a King, and so *Latinus* (*Virgil Aeneid* 7.) stiles *Aeneas*, whose Friendship he desir'd. Also *Sophista* formerly signified a Wiseman; but now it is taken for a Pretender to Wisdom. Likewise the Word *Hostis* antiently meant no more than a Stranger, but now it signifies an Enemy: So in like manner, the Word *Papa* was antiently taken in a good Sense, and given indifferently to Bishops and Ministers of God's Word: A Bishops, Minister and Pastor bearing all one Signification in the Primitive Church. But afterwards Riches made the Difference we now find. That this Word signifies what hath been said, may be prov'd from divers Epistles of the Fathers of the Church; such as *St. Jerom*, *St. Cyprian*, *Dionysius Alexandrinus*, *St. Austin*, *Sidonius Apollinaris*, and *St. Gregory*; as also from the Acts of divers Councils, all which the Reader is desir'd to peruse. The *Greeks*, even at this Day, call their Priests *Papaous*; and the *Germians* stile their Pastor; which Names undoubtedly came from the Word *Papa*, which according to *Suidas*, signifies Father in the *Sicilian* Tongue. Now of all these Authors I have mention'd, I will quote Proofs but out of two. First, *St. Jerom* Writing to *St. Austin* says, I entreat you Affectionately to recommend me to our holy and venerable Brother, Pope *Alipio*; yet 'tis certain, *Alipio* was never Bishop of *Rome*. Secondly, Amongst the Epistles of *St. Cyprian*, One has this Title; the Presbyters and Deacons residing in *Rome* send Health to Pope *Cyprian*; now, what is to be observ'd is, that the Church of *Rome* gave this Title of Pope to *St. Cyprian*, who was Bishop of *Carthage*, and never so of *Rome*. But since the Avarice and Ambition of the Bishops of *Rome* have encreas'd to that Degree, that they have made themselves Princes and universal Bishops, and for the same Reason Anti-Christ: they have depriv'd their Fellow-Bishops of the Title of Pope, and reserv'd it wholly to themselves; so that there is now no other Pope, than the Bishop of *Rome*, who being also Anti-Christ, it follows, the Name of Pope ought to be equally abhorr'd and detested by all

good Men. I speak not against the first Acceptation of the Word *Pope*, but against the second.

The Bishops of *Rome* may be divided into Three Classes. The First containing all from the first Bishop to St. *Sylvester*: The Second, all from him to *Boniface* the third; and the Third, all from *Boniface* to the Present Pope *Clement* the 11th. Those of the First Class may be call'd Angels of God, holy both in their Lives and Doctrines, Poor in Spirit and Simple in Heart, free from all Manner of Avarice and Ambition: They were true and good Bishops almost 300 Years, whereof *Linus* was the first; for St. *Peter* never was Bishop of *Rome*; nay, 'tis a Question, whether ever he was there; which makes the Pope's Succession and Supremacy a mere Falsity, and Imposition. Those of the Second Class were not to be compar'd with those of the First, either for their Lives or Doctrines; inasmuch as the Persecution being at an End, they gave themselves up to Ease and Idleness, and by several Canons and Decrees prepar'd the way for great Anti-Christ. These were call'd Arch-Bishops for the space of 200 Years, viz. from the Year 320 to 520; and afterwards to 605. They were stil'd Patriarchs. St. *Sylvester* was the first Arch-Bishop, and *Hormisdas* (a Campanian) the first Patriarch. These modestly speaking were subject to Slips. But those of the Third and last Class, whom we properly term Popes, and who are indeed the true Anti-Christ, are very Devils Incarnate; and this, not by way of Figure, or Exaggeration, but according to the Letter and Truth of their Actions: Of these *Boniface* the third was the first Pope, made so by the Emperor *Phocas* (an Adulterer, Parricide, and Tyrant) upon whom the said *Boniface* by many Entreaties and Presents prevail'd, that the See of *Rome* might be stil'd the Head of all Churches. About the End of the 11th Age, *Gregory* the VIIth, in a Council held at *Rome*, order'd that the Name of Pope should peculiarly belong to the Bishop of *Rome*.

(2) *Urban* the IVth, a French-Man, Native of *Troyes* in *Champagne*, formerly Patriarch of *Jerusalem*, becoming Pope, fell out with *Manfred* (rather *Mainfroy*) as his Predecessor *Alexander* had done, and the better to Revenge himself, besought *Lewis* the IXth King of *France*,

to send into *Italy*, *Charles* his Brother, Count of *Provence* and *Anjou*, with an Army, whom upon that Occasion he nam'd King of both *Sicilies*, already a Senator of *Rome*, and Vicar of the Holy Empire. At length *Charles* came, when after many Events of War, having conquer'd and kill'd *Manfred* near *Beneventum*, he thereby got Possession of the Kingdoms of *Sicily*, with the Dukedoms of *Calabria* and *Puglia*, all which this Pope gave him without any manner of Right or Reason. This manifest Theft in the Pope was the Occasion of much Blood-shed, which follow'd soon after. This *Urban* the IVth, at the Instigation of a certain Woman, nam'd *Eva*, a Recluse in the Territories of *Lieja*, with whom he had been familiar before he was Pope, instituted the Feast of the God-Bread, otherwise call'd *Corpus Christi*; this *Eva* (as *Arnoldus Bosius*, and *Peter Premonstratensis* relates) had a Vision (without doubt diabolical) about the Celebration of the Feast of the Sacrament, which she declar'd in her Letters to the Pope, and wherein she requested his Holiness, that by his Papal Authority he would please to cause the same to be Celebrated. This Request the Pope granted, as appears by the Answer he sent her, which begins thus; *Urbanus Episcopus, Servus servorum Dei, Dilecta in Christo Filia Eva salutem, &c.* *Urban*, the Bishop Servant of the Servants of God (horrid Blasphemy) to our well-beloved Daughter in Christ, *Eva*, Health and Apostolical Benediction: We are sensible, O Daughter, that with great Inclination thy Soul has desir'd, that the Feast of the Body of our Lord Jesus Christ should be celebrated in the Church; wherefore, &c. This Letter is long; let the Substance therefore, which I have already related be sufficient. We may hereby see, what the first Occasion of this Feast was, which is every Year so pompously celebrated among the Papists. Then we may see Carpets hung out every-where, Persons dancing about Streets, Jack-Puddings and Merry-Andrews on their Stages, Sports, Pastimes, Gaming, Wenching, Drinking, and the like. In a Word, this is a Day of the greatest Abomination and Superstition, wherein, perhaps, more Iniquity is committed, than in all the Year besides. 'Tis true Pope *Honorius* the IIIrd laid the Foundation of this *Babel*, but Pope *Urban* the IVth

IVth rais'd the Super-Structure. *Urban* died in 1264 or 5, the same Year he instituted this Feast.

(3) *Charles* of *France*, the first of this Name, King of *Naples* and *Sicily*, &c.

(4) *Lewis* the VIIIth Sir-nam'd the *Lion*, because of his Courage and Bravery,

(1) *Con-*

Now therefore let us see (and with all reasonable Brevity) how, and by what Degrees the Empire of that City (which, first built by Shepherds, at length became Mistress of the whole World) began afterwards to decline from so great an Estate; and together with the Change thereof by little and little, drew with it the Alteration of noble Dignities and Titles also.

After the Translation of the *Roman* Empire by *Constantine* (1) the Great, all that Excellency of Publick Dignities, whereof I have expressly and sufficiently enough before treated, seemeth to have been chang'd into a certain other Form, and a new Manner of ennobling Men to have been devis'd: And indeed Names of Honours and Dignities in the *East* Empire seem to have been different from those of the *West* Empire; and the *Latins* (2), after that the Empire was rent in sunder, and seated at *Constantinople*, became subject to the *Greeks* (3); for he who was there

there next to the Emperor, either by reason of the Nearness of Blood, or by Institution, and of the *Latins* call'd *Primas* (4), was of the *Greeks* by a general Name saluted *Despotes* (5), i. e. Lord; as he is at this Day call'd Monsieur amongst the *French Men*. The latter Writers were wont to call him (the same Man) *Sebaston* (6), according as the Emperors had devis'd honourable Titles, wherewith they might grace their Friends, and bind them to them. The third in Dignity from the Emperor was the *Sebastocrator* (7), who was follow'd by him, whom they call'd *Cæsar*, as fourth,

But

(1) *Constantine*, the first of the Name, the Son of *Constantius* and *Helena*, the first Emperor that embrac'd the Christian Faith. He translated the Seat or Court of the Empire from *Rome* to *Byzantium*; which was after that call'd by his Name *Constantinople* and new *Rome*, for which reason the Country of *Thrace* also, in which the City stands, was call'd *Romania*. He divided the Empire among his three Sons, *Constans*, *Constantius*, and *Constantine*, he was born at *Naise* (a Town in the Province of *Dacia*) the 24th of *July*, about the Year 272, after a Reign of 39 Years, 9 Months, and 27 Days, reckoning from his Father's Death, which happen'd the 25th of *July*, 306. He died on the 22d of *May*, 337, at *Achiron*, near the Suburbs of *Helenopolis*.

(2) *The Latins*] The Reason of the Names of *Latini* and *Latium* cannot better appear than in Sir *Walter Raleigh's* own Words, which are as follow, viz.

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In *Italy* the *Latins* and *Hetrurians* were most famous; the *Hetrurians* having held the greatest Part of it under their Subjection; and the *Latins* by the Vertue and Felicity of the *Romans*, who were a Branch of them, subduing all *Italy*, and in a few Ages whatsoever Nation was known in *Europe*, together with all the Western Parts of *Asia*, and North of *Africk*.

The Region call'd *Latium*, was first inhabited by the *Aborigines*, whom *Halicarnasseus*, *Varro*, and *Reyneccius* (following them) thinking to have been *Arcadians*; and this Name of *Aborigines* (to omit other Significations that are strain'd) imports as much as Original, or Native of the Place, which they possess'd; which Title the *Arcadians* are known in vaunting manner to have always usurp'd, fetching their Antiquity from beyond the Moon; because indeed, neither were the Inhabitants of *Peloponnesus* forc'd to forsake their Seats so oft as other *Greeks* were, who did dwell without that half Island; neither had the *Arcadians* so unsure a Dwelling as the rest of the *Peloponnesians*, because their Country was less fruitful in Land, Mountainous, and hard of Access, and they themselves (as in such Places commonly are found) very warlike Men. Some of these therefore having occupied a great Part of *Latium*, and held it long, did according to the *Arcadian* manner, stile themselves *Aborigines*, in that Language, which either their new Seat, or their Neighbours thereby had taught them.

After the *Aborigines* were the *Pelasgi*, an antient Nation, who sometimes gave Name to all *Greece*; but their Antiquities are long since dead, for lack of good Records; neither was their Glory such in *Italy*, as could long sustain the Name of their own Tribe; for they were in short space accounted one People with the former Inhabitants. The *Sitani*, the *Ausones*, *Arunci*, *Rutili*, &c. did in Ages following disturb the Peace of *Latium*, which by *Saturn* was brought to some Civility, and he therefore canoniz'd as a God.

This *Saturn* St. *Augustine* calleth *Sterces*, or *Stercutius*; others term him *Stercutius*, and say that he taught the People to dung their Grounds. That *Latium* took its Name of *Saturn*, because he did *latere*, i. e. lie hidden there, wher he fled from *Jupiter*, is questionless a Fable;

Fable; for as in Heathenish Superstition it was a great Vanity to think that any Thing could be hidden from God, or that there were many Gods, and that one fled from another; so in the Truth of History it is well known, that no King reigning in those Parts was so Mighty, that it should be hard to find one Country or another, wherein a Man might be safe from his Pursuit. And yet, as most Fables and Poetical Fictions were occasion'd by some ancient Truth, which, either by Ambiguity of Speech, or some Allusion, they did maimedly and darkly express; (for so they feign'd a Passage over a River in Hell, because Death is a Passage to another Life; and because this Passage is hateful, lamentable, and painful, therefore they nam'd the River *Styx*, of Hate; *Cocytus*, of Lamentation; and *Acheron*, of Pain: So also because Men are stony-hearted, and because the Greek *Λαοι*, People, and *Λαῖς*, Stones, are near in Sound, therefore they feign'd in the Time of *Deucalion* Stones converted into Men, as at other Times Men into Stones) in like manner it may be, that the Original of *Saturn*'s hiding himself was some Allusion to that old Opinion of the wisest of the Heathen, that the True God was *ignotus Deus*, as it is noted in the *Acts* (7. 2, 3.) whence also *Esay* of the True God saith (45. 15.) *Tu Deus abscondens Te*. For it cannot be in vain, that the Word *Saturnus* should also have this very Signification, if it be deriv'd (as some think) from the *Hebrew*, *Satar*, which is to hide: Howbeit, I deny not, but that the Original of this Word *Latium* ought rather to be sought elsewhere.

Reyneccius doth conjecture, that the *Ceteans*, who descended of *Cethim*, the Son of *Javan*, were the Men who gave the Name to *Latium*; for these *Ceteans* are remember'd by *Homer* as Aiders of the *Trojans* in their War. *Strabo*, interpreting the Place of *Homer*, calls them Subjects to the Crown of *Troy*. Hereupon *Reyneccius* gathers, that their Abode was in *Asia*, viz. in *Agro Elatice*, which agreeth with *Strabo*; of a City which the *Aolians* held in *Asia*, call'd *Elea*, or *Elaia*, *Pausanias* makes mention, *Stephanus* calls it *Cidamis*, or (according to the Greek Writing) *Cidamis*; which Name last rehears'd, hath a very near Sound to *Cethim*, *Citim*, or *Cithim*, the Greek Letter (D) having (as many teach) a Pronunciation very like

like to (Th) differing only in the strength or weakness of Utterance, which is found between many *English* Words written with the same Letters. Wherefore that these *Ceteans*, being descended of *Cethim*, *Cittim*, or *Kittim*, the Son of *Javan*, who was Progenitor of the *Greeks*, might very well take a Denomination from the City and Region which they inhabited, and from thence be call'd *Eleites*, or *Elaites*, is very likely; considering that among the *Arcadians*, *Phocians*, *Aetolians*, and *Eleans*, who all were of the *Aeolique* Tribe, are found the Names of the Mountain *Eleus*, the Haven *Eleas*, the People *Elaita*, the City *Eleus*, *Elaiia*, and *Elateia*, of which last it were somewhat harsh in the *Latin* Tongue to call the Inhabitants by any other Name than *Elatini*, from whence *Latini* may come. Now, whereas both the *Cetæi* and *Arcadians* had their Original from *Cethim*, it is nothing unlikely, that agreeing in Language and Similitude of Names, they might nevertheless differ in Sound and Pronunciation of one and the same Word: So that as he is by many call'd *Sabinus*, to whom some (deriving the *Sabines* from him) give the Name of *Sabus*; in the like manner might he, whom the *Arcadians* would call *Elatus* (of which Name they had a Prince that founded the City *Elateia*) be named of the *Ceteans* *Latinus*.--- *Reyneccius*, pursuing this likelihood, thinks, that when *Euripylus*, Lord of the *Ceteans* (being the Son of *Telephus*, whom *Hercules* begat upon *Auge*, the Daughter of *Alcus* King of *Arcadia*) was Slain by *Achilles* in the *Trojan* War, then did *Telephus*, Brother to *Euripylus*, conduct the *Ceteans*, who (fearing what Evil might befall themselves by the *Greeks*, if the Affairs of *Troy* should go Ill) pass'd into that Part of *Italy*, whereas the *Arcadians* were planted by *Oenotrius*.

And *Reyneccius* further thinks, that *Telephus*, being the more gracious among the *Oenotrian Arcadians*, by the Memory of his Grand-Mother *Auge*, an *Arcadian* Lady, was well-contented to take an *Arcadian* Name, and to be call'd *Elatus*, which in the Dialect and Pronunciation either of the *Ceteans*, or of the *Oenotrians*, was first *Elatinus*, and then *Latinus*. That this Name of *Elatus* may have been taken or impos'd by the *Arcadians*, it is the more easy to be thought, for that there were then

two Families, the one of *Iphidas*, the other of *Elatus*, who were Sons of *Arcas*, King of *Arcadia*, which gave Name to the Country; and between these two Families the Succession in that Kingdom did pass, almost interchangeably, for many Ages, till at the End of the *Trojan* War it fell into the Hand of *Hippotheus*, of the Race of *Elatus*, in whose Posterity it continu'd until the last. Again, the Name of *Latinus* having a derivative Sound, agrees the better with the Supposition of such an Accident: This is the Conjecture of *Reyneccius*, which, if he made boldly, yet others may follow it with the less Re- proof, considering that it is not easy to find either an apparent Truth, or fair Probability among these disagreeing Authors which have written the Originals of *Latium*.

The Kings which reign'd in *Latium*, before *Aneas's* Arrival there, were, *Saturnus*, *Picus*, *Faunus*, and *Latinus*.

Of the Name *Latinus*, *Pomponius Sabinus* recounts Four, one, the Son of *Faunus*, another of *Hercules*, a third of *Ulysses* by *Circe*, the fourth of *Telemachus*. *Suidas* (in the Word *Latini*) takes notice only of the second, of whom he saith, that his Name was *Telephus*, and the People, anciently nam'd the *Cetij*, were from his Sir-name call'd *Latini*. This agrees in Effect with the Opinion of *Reyneccius*, the Difference consisting almost in this only, that *Suidas* calls *Telephus* the Son of *Hercules*, whereas *Reyneccius* makes him his Nephew by a Son of the same Name. This *Latinus* having obtain'd the Succession in that Kingdom after *Faunus*, did promise his only Daughter and Heir *Lavinia*, to *Turnus* the Son of *Venilia*, who was Sister to *Amata*, *Latinus's* Wife: But when *Aneas* arriv'd in those Parts with 15 Ships, or perhaps fewer, wherein might be imbark'd, according to the Rate which *Thucydides* allows to the Vessels then us'd, about 1200 Men: Then *Latinus*, finding that it would stand best with his Assurance, to make Alliance with the *Trojans*, and mov'd with the great Reputation of *Aneas* which himself had heard of in the War of *Troy*, gave his Daughter to him, breaking off the former Appointment with *Turnus*, who, incens'd herewith, sought to Avenge himself by War, which was soon ended with his own Death.

Lavinia,

Lavinia, the Daughter of *Latinus*, being given in Marriage to *Aneas*, the Kingdom of *Latinus*, or the greatest Part of that Country, was establish'd in that Race, wherein it continu'd until it was overgrown by the Might and Greatness of the *Romans*. (*Hist. of the World*, the 2d Book of the First Part, Chap. the 24th, Sect. 2, and 3.)

Latium, a Country of *Italy* (that of the *Latins* is now call'd *Campagna di Roma*, and *St. Peter's Patrimony*) lies betwixt *Tuscany* Westward, and *Campania* Eastward.

(3) The Greeks] *Graci proprie sunt Thessali, a Graeco Rege sic dicti. Serv. Gracia sic dict. à Graco, Cecropis Filio, Doros, Dolopes, Pelasgi, Dryopes, Graij, Grajugeni, Hellenes.*

(4) *Primas. Primus Dignitate.*

(5) *Despotes, Despot.*] Originally signifies Master or Lord, from the Greek Word *Δεσπότης*. But, in the *Grecian Empire*, it signify'd the First Dignity after that of the Emperor; and therefore Princes, or other Lords, speaking to the Despot, gave him the Title of *Βασιλῆα σὺ*, i. e. Your Majesty; and his Wife was call'd *Βασιλίωα*, Queen. There were two Kingdoms of Despots, one in *Peloponnesus* (now *Morea*) possess'd by the Emperor's Brother, which was divided between two Despots, the Emperor's Brethren, about the End of that Empire. The second was *Ætolia, Acarnania*, and the neighbouring Islands. There was also a third Despot out of *Greece*, viz. the Despot of *Servia*. The same do many Greek Historians testify.

(6) *Sebaston] Augustum.*

(7) *Sebastocrator] Σεβαστοκράτωρ, i. e. Augustus Imperator*, being, as it were, a second Emperor.

(1) The

But

But whilst the Emperor *Basilus* was wont to be call'd *Sebastos*, and also *Cesar*, he (the same Man) at one and the same time enjoying all these Titles, these Dignities were then as Offices, and not as Titles of Honour. But afterward, according to the Emperor's Pleasure, they began to be bestow'd and dispos'd of as honourable Names of Dignities, even without any Offices at all belonging to them. And, for a time, the next in Honour to the Emperor was call'd *Cesar*, as the King (1) of the *Romans* is at this Day in the West; but afterwards *Sebastocrator* was the second in Honour, and *Cesar* the third, at such time as *Alexius Comnenus* appointed his Brother *Isaacius* to be *Sebastocrator*, of whom *Zonaras* (2) (a Greek Historian) speaketh more at large. And last of all, *Alexius Palaeologus* being *Despotes*, was made next in Honour to the Emperor; to whom he, the same Emperor *Comnenus*, having no Sons, betroth'd his eldest Daughter *Irene*, and grac'd him with the Title of *Despotes*, as he who should have been Heir of the Empire, if he had not before died.

Proto-

[Z]

(1) The

(1) The Title of King of the *Romans*, in the Sense it is now taken, was unknown in the Time of *Charlemagne*, for that Prince took the Title as King of *Rome*; his Successors bestow'd it upon their Presumptive Heirs and Successors; so that it was much the same with the Title of *Cesar* given by the antient Emperors of *Rome*. Now the King of the *Romans* is one chosen by the Electors in the Emperor's Life-time, to have the Management of Affairs in his Absence, as Vicar-General of the Empire, and to Succeed him without any further Election or Confirmation. The Electors Swore not Allegiance to him, until after the Emperor's Death: He is call'd *August*, but not always *August*, as the Emperor. The Spread-Eagle that he bears for Arms has but one Head, and he has no Power in the Empire, but in the Emperor's Absence.

(2) *Zonaras (John)* A Greek Historian, liv'd in the 12th Age, about 1120. He discharg'd several considerable Offices at the Emperor of *Constantinople's* Court; and afterwards turn'd Monk of the Order of *St. Basil*. He compil'd three Volumes of Annals, translated out of Greek into Latin by *Jerom Walfus*, and Printed at *Bale* in 1557. The First Volume contains the History of the *Jews*, from the Beginning of the World to the Taking of *Jerusalem*. The second handles the *Roman* Affairs, from the Foundation of their City to *Constantine the Great*. The third, what happen'd from this Emperor's Time to *Alexius Comnenus's* Death, 1118. He has likewise written Annotations upon the Canons of the Apostles, and upon those of General and Provincial Councils, and seven or eight other Tracts, inserted in the *Bibliotheca Patrum*.

(1) Conte-

Protopsebastus had the first Place and Degree of Honour from the Emperor; and at length *Pankhypersebastus* began to be the most stately and majestical Name of all others, being a new Title

of Nobility Dative. 227

Title of a new Dignity, invented by *Alexius Comnenus* to gratify *Michael Taronitus* withal: *Eparchus* also was a Name of great Honour, as if we should say, the Chief of all the Provincial Presidents. *Contostaulus* (1) was General of the Auxiliary Forces, which out of *France*, *Sicily*, and *Italy*, serv'd in the East; whereof he was call'd the Great *Contostaulus* (2), and otherwise *Comestabilis* (3), which the *Italians* interpret *Contostabile* (4). *Drungarius* (5) was he who had the Command of the Fleet at Sea; but he who commanded the Army at Sea, they call'd the Great Duke (6), and in *Greek*, *Mega Dux*, for difference-sake, imitating therein the *Latins*; for he who led the Army at Land was call'd *Egemon* (7), but he who rul'd at Sea, *Dux*. And over the Land-Army commanded always either the Emperor himself, or the *Despotes*, or the *Sebastocrator*, or the *Cæsar*, or the *Pankhypersebastus*.

And

(1) *Contestaulus*] *A Latino Comite stabuli, qui stabulo superiorum Imperatorum prefectus. Ammiano Marcellino (in Constantin. & Julian. Sect. 3. Chron. Lib. 2. in Ann. 807.) Tribunus stabuli appellatur. Græcis inferioribus italicum secutis Κοῦσταυλός, Κοῦσταυλός & Κοῦσταυλός, a Conto pro Comite, & Stalla (Saxon Stall) stabulo, inde Anglo-Saxonibus, Stallarius simpliciter, con abjecto. (Spehn. Gloss.)*

(2) The Great Contostaulus] Ὁ Μέγας Κοντοστάλης, Magnus Contostaulus, caput est Francorum stipendia facientium (Codin. in Off. Constant.) Κοντοστάλης etiam appellatus est, qui ceteris omnibus Conestaulis, i. e. ductoribus auxiliarium copiarum, imperabat. (Id. ibid.)

(3) Comestabilis, Conistabilis, Comestabulus] Quo tempore mutatum sit nomen Tribunus stabuli, in nomen Comitum stabuli aut sejuncta dictiones conjungi ceperint, non mihi constat; illud mox ab aeo Constantini accidisse reor; hoc potissimum sub decimo seculo; sed reperitur, dici Constabularius a Tertulliano, aeo ante Constantinum, & pro Curatore stabuli; de quo certe miror: Constabulare tamen video apud Columellam occurrere pro diversa Animalia eodem stabulo forere; & tam dicitur Constabularius a Constabulando, quam stabularius (quod tunc frequens erat) a stabulando. Itali vero non solum Comitem stabuli dixere de Praefecto stabuli Imperatoris, sed Meicomyrice etiam de praefecto Equitum; perinde mox de omni Turma Equestri Praefecto, ipsoque tandem pedestris (Centurione) quos hodie Capitaneos appellamus. Conestabiles dicti sunt vernacule, iidem in Authoribus Latinis, Centuriones nuncupantur, ut me admonuit Scipio Ammiratus; Quos igitur hodie Capitaneos vocant, aliquando Constabularios dictos fuisse liquet; nec Italiam solum, sed Graeciam inferioribus, Gallis & Anglis; Graeci vero Exotico vocabulo, de Exoticarum tantummodo Copiarum ductoribus uti sunt; & inde (ut supra notatum est a Codino in Offic. Constant.) Ὁ Μέγας Κοντοστάλης, &c. (Id. ib.)

(4) Contostabile] & Conestabile. (Ibid.)

(5) Drungarius, Druncus, Drungarius, Drungifus.] voces ex Oriente profectae, ut quidam volunt; est autem Drungus, alias Druncus, Graeco barb. Δρυγγός. Globus militum, vel pars quadam exercitus. Romanis sub adulto Imperio, nota vox; qua tamen non de suis, sed de gentium militibus uti sunt. Vopiscus in Probo, & de Probo (qui floruit, A. D. 280.) Sect. 7. Triumphavit de Germanis & Blemys: Omnium gentium Drungos usque ad quinquagenos homines, ante Triumphum duxit. Et Vegetius de re militari

militari, Lib. 3. Cap. 16. Scire Dux debet contra quos Drungos hoc est, Globos militum, quos Equites oporteat poni. Tandem vero irrepsere vocabula in Ipsius orientalis Imperij militiam: Ut liquet ex Codino & Leonis Imperatoris Tactico, huc mox citandis. Ubi constat Drungum etiam fuisse quantitatem aliquot Comitum (hoc est, cohortibus Praefectorum,) sub Drungario tam marino, quam campestri merentium.

Druncus (inquit Leunclavius) numerus militum quantus esse sub Drungario, sive Tribuno debet, nimirum 3000, aut non pauciores quam mille, nec plures quam 4000; Græcis olim *Χίλιαρχα*, Italis un regimento, sicut Gallis & Germanis; apparet autem ex his quæ retulit Vopiscus, Drungum eo seculo nuncupari, si vel supra quinquagenos Homines contineret: Cumq; globum & Drungum confundat Vegetius (quod non hic solum, sed Cap. etiam 19, facit) Drungi numerum inde finitum fuisse insinuat; nam sic globi fuit; Globus (inquit) dicitur, qui a sua Acie vago superventu incursat inimicos. Alia igitur prioris militiæ ratio, alia Posterioris.

Drungarius; Drungi Praefectus, Tribunus, Chiliarcha. Leo Imp. (qui floruit An. 814.) in Tacticor: parte a Gessero exhibita, viz. Drungarios appellabant Veteres Chiliarchas (Romani Tribunos.) Ejus munus idem descripsit Leo, Cap. 3. Sect. 9. Drungarius dicitur, qui uni Moieæ (id est, Particula sive cohorti militaria) præest. Moieæ enim (id est, Pars) quæ etiam turma dicitur, ex tribus Moieæ sive Drungis conficitur; Moieæ autem (sive Particula) sive Drungus, est ex Cohortibus, sive ex eis hominibus, qui Comites esse dicuntur, conflata Multitudo. In exercitu tertius fuit, ut in Præcedenti Paragrapho gradus etiam enarravit Leo, viz. Primo Imperatorem seu totius militiæ præfectum. Secundo Metarchas, i. e. turmarum Ductores, qui tribus singuli Præerant Drungarijs. Tertio, Drungarios ipsos. Quarto, Comites, qui (inquit) bandorum, i. e. Cohortium præpositi dicebantur. Quinto, Centuriones. Sexto, Decanos, i. e. Contuberniorum Praefectos. Septimo, Quintanos; Octavo, Quartanos, qui cum ultimi essent, Caudanos & ultimanos vocat.

Sed jam liceat de origine Vocis inter Doctorum calculos, nostrum addere. Quintinus Hædus in Praefat. Commentar. Zonara ad Canones Apostolicos: Drungarium

(uti Biglam) ignota lingua vocabulum perhibet. Quidam ut Ἀσπαρτίον, Persicum esse. Junius a Dargon (nescio quo, Lrungi, vel hujus modi Catus, Principe) facta (ut inquit) Epenibesi ᾗς ὡ pro γ geminato.

Probabilius multo Leunclavius, qui Δρῦδν apud recentiores Græcos, uti Agla apud Turcos, baculum vel Sceptrum Officij & dignitatis significare asserit: & Drungarios, Aglariosq; inde qui Græcis Antiquioribus Χιλιάρχοι, Romanis Tribuni, Italis hodiernis, Gallis, Germanis, Colonelli. Δρῦδν inquit a Drunco sive Baculo, sive Sceptro magistratus insigni, prorsus ut Aglari ab Agla dicunt: & alibi, Δρῦδν Druncus, i. e. Baculus Tribuni quem instar Sceptri gerit, Germanis, & Italis & Alijs, Baculus Regiminis. Nunquid a Truncus, unde nos hoc idem a Truncheon? Certe Græcis Inferioribus, usitatus fuit, Magistratus Σκῆπτρῳ ἔχοντα δικάζοντα ἢ τοὺς δικαστὰς ἔχοντα, i. e. Sceptra judicialia lignea ferre in indicium muneris & potestatis, quod etiam antique apud eisdem deprehenditur, Herodo & Homero Testibus: de ipso autem Magno Drungario classis expresse notat Codinus, quod ejus modi Sceptro non usus est, licet alij Drungarij suis Sceptris insignirentur; nec uspiam apud Authorem istum Δρῦδν reperio pro Sceptro seu Baculo judiciali, vel (ut Leunclavius loquitur) pro Baculo Regiminis, ut Σκῆπτρον penitus: preterea si nomen ab hujus modi Sceptro seu Baculo ortum fuisset, conveniret utiq; ceteris Magistratibus Sceptra ferentibus. Mibi autem videtur male vocem rimari in Oriente, at Saxoniam esse, & apud nos adhuc Superstitem. Hodie enim Throng dicimus a Saxon Ḡpungan, pro conferta Multitudine; & apposite rem exposuit Vegetius, cum dixerit Drungos, i. e. Globos: Germanicumq; esse Vepiscus intimat, dum vocabulo utitur de Germanis tractans, quorum Agmina Tacitus sæpe Globos vocat. Chaucerus in Fab. Equitis Aurati de Glöbo Militari loquens,

He through the Thickest of the Throng
gan threke.

Et Costaneus noster Spencerus ad Catum Doctorem transferens:

To Blase abroad among the Learned Throng.

Sic

Sic Drungarius q. Drungi, i. e. Globi Militaris Praefectus.
(*Id. ibid.*)

(6) The Great Duke] *Dux Magnus in Orientali Imperio, Princeps & Caput erat ad universum Mare, ut Magnus Domesticus ad universum Fossarum, i. e. ad rem Castrensem Subiectos habuit; Magnum Drungarium Classis, Ameralium (qui universam Classem agebat) Proto-Comitem, Drungarios & Comites. Conto praetulit Imaginem Imperatoris equo elati: antequam in Palla stantis, pone in Throno sedentis.* (*Id. ib.*)

(7) Egemon] *Inter Ducum genera (occurrit enim Dux vocabulum apud Autores post adultum Imperium, haud alius) alias pro Rectore Provinciae, ἡγεμὼν.* (*Id. ib.*)

(1) Great

And to this Great Duke, who was their Chief Admiral, they made subject all the *Drungars* of their Fleet, their Admirals, *Protecomites*, and the Great *Drungarius* (1) himself, before whom they also appointed the Emperor's Statue on Horse-back (which they call'd *Consus*) (2) to be carry'd at Sea. They had also their *Logotheta* (3), whom we at this Day call the Chancellor; their *Logoriastes*, whom the French call Comptroller; and their *Protostrator* (4) or Marshal of their Army; their *Primicerios* (5) also, and *Primaugustos*, and many others of that sort I willingly pass over, lest in prosecuting every one, my Discourse should grow too long and tedious. These were all

honourable Dignities, and for the most Part made not so much for the Necessity of their Offices or Order, as by the Favour and Goodliking of the Emperor.

But

(1) Great Drungarius] *Magnus Drungarius*; qui & 'O Drungarius in superiori imperio non exhibetur per totam notitiam. In inferiori clarus est. Constantinopoli, & dupliciter, viz. Bigle, & Classis.

Magnus Drungarius Bigle. 'O Μῆγας ἀρυσταγῆς & Βιγλῆς vigilie & excubiarum Præfectus erat (nam Βιγλῆς a Latina vigilia confectum, ut supra in Bigla) meruit in Castrensi militia sub Magno Domestico; & ante pedem figebat fossatum (loquor secundum Codinum) i. e. ante castra metebatur, ipse abiens diurnas constituit Vigiliis, ut a Magno Domestico, cui parebat, præceptum est: Vigilatores de Officio ipsorum præmonet, nocteq; semel & iterum, ut remotior Hostis vel propinquior est, experitur eorundem solertiam. Sceptrum judiciale gerebat, post superiorem Condylum (qui inauratus est, ut aliorum omnium) aureum & coccineum, accurate ornatum ad imum usq;. De Majore ejus Jurisdictione videndus est Manuel Comnenus, Novella 2. Erat & vigilium Præfectus ob arcenda incendia ab Augusto institutus.

Magnus Drungarius Classis, in re marina magno Ducis subiectus fuit. Præerat autem Ameralio, Proto-Comiti, Drungarijs & Comitibus, hoc est Cohortium seu Bandorum (ut Leo ait) Præfectis: Muneris igitur illius Amplitudinem ex subditis suis intelligas, quorum omnium Administratio marina fuit: Ameralius enim (ut Codinus indicat) agit universam Classem. Proto-Comes omnium Comitum primus est, qui in Classe Imperatoria sunt; & Drungarius Primus est Thalassini. Drungas (item, Quantitas istorum Comitum) aliquot exponitur, cujus Principatus, est Drungarius hujusmodi; Magni autem Drungarii administrationem superius ostendit eandem rationem habere ad Magnum Ducem, quam Magnus Drungarius

garius Bigla ad Magnum Domesticum, Ait Drungarium Sceptum solum obtinere e Ligno Lavi: alibi vero Magnum Druncarium Classis *ἑὸς διακίβη* sine judiciali Sceptro esse. Notat Meursius e Leone Naumach. navalem hanc Prefecturam, primitus fuisse, & postea ad militiam terrestrem translata esse: Corrigendum etiam docet locum huc spectantem in Luitprandi Legatione. Drungaris enim, sub cujus manu navium est Omnis Potestas, recedente sancto Imperatore, curam tui aget; hodie editur, De longaris enim, &c. (Id. ibid.)

(2) *Consus*] Neptunus Equestris, Conciliorum Deus, qui ideo Templum sub tecto in Circo habebat, ut Ostenderetur tectum debere esse concilium (*Servius*) ita dict. a *Consum*, i. e. conditum, quod Ara ejus sub terra conderetur, sive quod Concilia abscondita esse debeant; vel a *Conso*, i. e. Consulo, *Conso τὸ μὲν ἰσίδῳ*, ut fuerit idem qui Harpocrates sive *Sigalion Aegyptius*; silentij Deus.

Consus is a certain Deity of the antient Romans, which they believ'd the God of Counsel. They built an Altar under the Ground, and call'd it also *Neptunus Equestris*, in whose Honour they celebrated Plays in the Month of March, which they call'd *Consuales*, and were like those of the Circus; it was during these Feasts that *Romulus* and his Companions carry'd off the *Sabin Virgins*.

(3) *Logotheta*] This Word signifies a Person that is the Comptroller, or Inspector of the Accounts: There were two Sorts of them in the *Græcian Empire*; one for the Emperor's Palace, the other for the Church. *Codinus* speaking of the Office of the *Logotheta* of the Church of *Constantinople*, saith, that his Business was to set down in Writing all Matters appertaining to the People, or the Lords: In the Catalogue of the great Officers of the Church, it is said, that the *Logotheta* keeps the Patriarch's Seal, and that he seals all that the Patriarch writes. And the same *Codin*, speaking of the great *Logotheta*, saith, that his Business was to put in Order all the Imperial Dispatches, and whatsoever stood in need of the *Bulla Aurea*, or the Emperor's great Seal: Wherefore *Nicetus* expounds the Word *Logotheta*, by that of Chancellor. *Logotheta* comes from the Word *λογος*, which amongst other

other Things, signifies Accounts, and *ῥῆμα*, to put or set down in Order. (Collier's *Great Hist. &c. Dict.*)

(4) *Protostrator.*] In Gr. *Πρωτοστράτωρ*, according to the same signifieth him who marcheth fore-most before the Army.

(5) *Primicerios*] *Primicerius*, qui primus scribitur in *Cera*, i. e. *Albo*, sive *Catalogo*; h. e. qui primum obtinet locum inter eos, qui publico munere funguntur. *Primus cujusvis Ordinis.* a *Primus* ἄρχη, i. e. *Potestas*, qu. *Primicerius*, a Master or Chief in any Office. A Principal Secretary, &c.

(1) *Turks.*]

But whilst it seem'd so good to the Emperors to appoint the Seat of their Empire at *Constantinople* (where all things now lye swallow'd up of the *Turks*) (1), they left the *West* bare of their Legions, and strength'n'd only with Forts undefended, and subject to the Invasions and Fury of the barbarous Nations; upon the Fall and Decay whereof the Ruin of the *Eastern* Empire at length ensued also. *Italy* and *Africk* were at that time govern'd by their *Exarchi* (2), *Toparchi* (3), *Comarchi* (4), *Cartbularij*, *Spatharij* (5), *Gustaldi* (6), and *Catapani*: But afterwards, when *Narses* the *Eunuch*, and one of the *Roman Patricij*, was by the Emperor *Justin* the 2d appointed Governor, he brought in those whom they call *Consulares* (7), *Præsides* (8),

des (8), and *Correctores* (9). But as soon as *Narses*, provok'd with the Injuries and Affronts of *Sophia* the Empress (and with Anger enrag'd) had call'd in thither the *Lombards* (10) out of *Pannonia* (11), they became by little and little to vary concerning the Titles of Honour, and Names of Dignity.

For

(1) *Turks*.] In *Latin Turca*, a People of *Asia*, of whose Original Authors speak differently; but it seems very probable that they are descended of those *Scythians*, who dwelt between the *Euxine* and *Caspian* Sea. The *Turkish* Empire is divided into Twenty Governments, whereof all but two have *Bashaws* over them.

(2) *Exarchi*] *Principes eximij*; *Vicarij Imperatoris*, the Emperors Vice-Roys in *Italy*.

(3) *Toparchi*] *Locorum Praefides*; Lord-Lieutenants of Countries.

(4) *Comarchi*] *Vicorum Praefecti*. Earls, Governors of Towns, or Cities: Burgo-Masters.

(5) *Spatharij*, *Spatarius*, *Spatharius*] ut *Faber Spatarius*, qui *Spatas vel gladios facit* (*Goldast Cap. 78.*) *Faber Aurifex aut Spatarius*, qui publice probati sunt. (*Spelm. Gloss.*)

(6) *Gustaldi*, *Gastaldus*, *Gastaldius*, *Gastaldio*, *Guaastaldus*] *Ital. Gastaldo* & *Guaastaldo*. *Rerum Dominicarum apud Italos* (praesertim *Longobardos*) *Actor*, *Procurator*, *Administrator*; alias *villicus*, *Oeconomus*, *Major Domus*, *Seneschallus*, *Ballivus*, a *Saxon* *ȝayc*, i. e. *Hospes*, & *balbean*, *Custodire*, quasi *Custos Hospitum*, vel a *ȝayc* & *aldus* seu *Aldius* h. *Famulus*, q. *Hospitum famulus*, vel qui

qui Hospitum curam gerit. Curator Hospitij. Apud Missionos enim (ut refert Amerpachius) Gast etiam significat ipsum Hospitium, atq; inde Gastgeber, Hospitij Datorem; Transfertur autem ad curatorem rerum externarum, puta villa, Prædiorum &c hujus modi. (Glos. ad Caus. 1. q. 3. cap. 8. Gastaldum) qui habet curam externarum rerum, qui dicitur alias Major domus 89. distinct. volumus, at in ea distinct: Hospitum Cura refertur ad vice dominum, non ad majorem domus. Villicus etiam Italice redditur; Gnaastaldo. Hispan. Mayor domo vel campo. Munus Gastaldij ex eo intelligitur quod extat Longob. Lib. 1. Tit. 34. L. 1. Siquis Gastaldus aut Actor Regis, curtem Regis habens ad gubernandam, ex ipsa curte alicui sine jussione Regis Casam tributariam, terram, Sylvam, vites vel pratum ausus fuerit donare, aut si amplius quam jussio Regis fuerit dare, presumpserit; vel si querere neglexerit, quod ablatum est: Omne --- in duplum octogilt comeponat.

Muneri adjungebantur Coercio & jurisdictio. Longob. Lib. Tit. 12. L. 2. Siquis sepulturam hominis Mortui ruperit --- tunc Gastaldius Regis aut Sculdafius, requirat Culpam ipsam, & ad curtem Regis exigat. Tit. 1. L. 3. Si Dux exercitalem suum, molestaverit injuste Gastaldius eum solatiet, dumusq; ad Præsentiam Regis aut certe apud suum Judicem eum ad Justitiam perducatur: & contra L. 5. Si Gastaldius exercitalem suum contra rationem molestaverit, Dux eum solatiet quousq; veritatem suam inveniet. Gastaldo etiam nonnunquam licuit de ancilla fornicante judicare, & in puellam liberam servo nubentem animadvertere, ut Lib. eodem. Tit. 31. L. 1. & Lib. 2. Tit. 9. L. 2. Adde quod Pipinus Imp. sanxit. Longob. Lib. 2. Tit. 52. L. 14. De universali quidem populo qui ubicunq; justiciam quaesierint suscipiat, tam a Comitibus suis quam etiam a Gastaldijs, seu Sculdafijs, vel loci præpositis, juxta ipsorum legem sine tarditate.

Statuit Rex Rotharis ut si Gastaldius aut qui libet Actor Regis post susceptas ad Gubernandum Curtes aut Casas Regis, aliquid per Garathina (i.e. per donationem) ab aliquo quocunq; factum, conquiesierit (non confirmante Rege) hoc totum Regi acquireret; nec ab ipso aut Heredibus ejus unquam vindicandum esse. Sed ademit legis hujus rigorem Hlotharius Imp. ut videas Longob. Lib. 2. Tit. 17. L. 1, 2.

Gastald.

Gastaldus Civitatis seu Provincia; spectare videntur precipue que paulo jam supra diximus ad aliud Gastaldij genus; nimirum Civitatum, seu Provinciarum; & hic idem esse Longobardis, qui alijs Graphio & Prepositus; nobiscum vice comes appellatur, Sigonius tanquam ipsum Comitem ponit: Sic enim de Regno Ital. Lib. 2. in An. 667. post Biennium Alzeo Dux Bulgariorum cum popularibus suis pacato in Italiani Agmine venit, agrumq; a Grimoaldo sibi, & suis adincolendum postulavit; ejus Petitioni Grimoaldus obsecutus, in Ducatum eos Beneventanum transmissit, atq; oppida Sepiam, Bonianum & Aserriam, tum deserta, a Filio jussit concedi, eorumq; Gastaldium sive comitem appellari. De hoc ipso Paulus Diacon. Hist. Longob. Lib. 5. Cap. 29. Alzeconem mutato Dignitatis nomine, de Duce Gastaldium vocitari precepit. Civitatum & Provinciarum Gastaldios etiam innuit Carolus M. in Capitull, additis ad L. Longob. Carolus, &c. Ducibus, Comitibus, Gastaldijs, seu Cunctis per Provincias Italiae ---- Prepositis. & Ludovicus Imp. in Diplom. Patavina ecclesia apud Sigon. de Regn. Ital. Lib. 5. in An. 899. ---- Cavemus ne quis comes, Gastaldius vel judex, seu quilibet Reipub. Minister, vel quispiam ex Judici----- possessiones memorata ecclesia ---- ingredi audeat, &c.

Gastaldia, al. Castaldia: Munus Gastaldij.

Gastaldij Feudum; illud est quod Gastaldio, seu Actori Cortio, aut Pradiorum, datur Officij exequendi gratia. (Id. ibid.)

(7) Consularis] A President of a Province; also the Emperor's Lieutenant who had the Conduct of an Army.

(8) Praeses] ἑφορῆς ἡγεμὼν. Πρεσβύτης. qui Praesidet.

(9) Corrector] A Governor or Ruler; a Comptroller.

(10) Lombards,] or Longobards; Longobardi, sic a longa Barba quam gerebant dicti (Isidore) vel dicti, quasi Lingobardi (sic enim a Pontico nominantur) eo quod Lingones, Populi Germania, & Bardi, Gallie Populi, facta unione Gentem unam, & nomen unum admiscuerunt, cum

cum tempore Justiniani ad utramq; Padi Ripam sedem fixerunt. They inhabit the upper Part of *Italy*; and are a People much addicted to Usury. *Verstegan's* Opinion of the *Lombards* is this, viz. The *Longobards* took their Name of wearing of *long Beards*, (tho' some with little Reason do think it otherwise); and albeit, it were the Custom of the Province from whence they came, and might be us'd also of some other *Germans*, yet was it not the Fashion in *Italy*, where they seated themselves, and where therefore they had this Name more peculiarly given them, and where the Country doth yet retain the Name of her long-bearded Inhabitants, tho' wrong Pronunciation have had some Stroke in the Matter, and from *Longobardia* hath vulgarly turn'd it to *Lombardi*.

(11) *Pannonia*, a large Country of *Europe*, now call'd *Hungary*, divided into Two Parts, the Upper and the Lower; the first also call'd *Prima-Consularis* was to the West, which is now call'd *Stiria*, *Carniola*, *Croatia*, *Carinthia*, *Windish-March*, and the greatest Part of *Austria*. The Lower, call'd *Secunda Consularis*, was to the East, and contain'd *Bosnia*, *Sclavonia*, and that Part of *Hungary* which is included between the *Danube*, the *Raab*, and the *Drave*. This Country hath many great Towns, as *Presburgh*, *Rab*, *Comara*, *Tokay*, &c. belonging to the Emperor; *Buda*, *Newhausel*, *Belgrade* (but this was besieged and taken by the Emperor's Army, commanded by the Ever-victorious General Prince *Eugene* of *Savoy*, in the Year 1717, &c.) under the *Turk*. The *Pannonians* were a Celtick Nation, whom *Tiberius* made Tributary to the Empire, tho' *Julius Caesar* was the first that enter'd into that Country, which was afterwards possess'd by the *Huns*, *Goths*, and other *Barbarians*. There were besides, *Pannonia Riparia*, wherein is now Part of *Sclavonia*, and *Bosnia*, and *Pannonia Valeria*, that makes Part of *Stiria*.

(1) *Guic-*

For *Narses* being dead, *Longinus* (one of the *Roman Patricij* also) by the same Emperor chosen Governor,

Governor, or *Exarch*, in his stead in *Italy*, for the repressing of the *Lombards*, but a little before call'd forth by *Narses*, and even now about to come, created Dukes throughout the Provinces (in Imitation probably of *Constantine* the Emperor, who is reported to have provided by Law, that Countries and Towns should be assign'd to Dukes, Earls, and old Captains, who having long serv'd, were to be rewarded for their past good Services) and to this Purpose tend the Words of *Guicciardin* (1) himself, which I have thought good hereunto also to adjoin.

' By the Translation of the Empire to *Constantinople*, saith he, a Way was open'd to the
' Power of the *Roman* Bishops; for the Authority of the Emperors daily more and more
' weaken'd, and decreasing in *Italy* (both by
' their continual Absence, as also for that they
' were still busied with Wars in the *East*) the
' People also by little and little revolting from
' them, and the City of *Rome* it self being at
' length oftentimes by the *Goths* (2), and *Vandals* (3) taken and sack'd, began to decay
' and vanish away: But the barbarous People
' being afterwards driven out of *Italy* again by
' the Power of the Emperors, the Government
' began again to be managed by great Magistrates

‘strates (of whom he, who commanded over
 ‘the rest as Chief, was call’d *Hexarchus*, and
 ‘had his Seat at *Ravenna*) (4) who appointed
 ‘Governors over the rest of the Cities of *Italy*;
 ‘which Governors they call’d Dukes. From
 ‘hence came the Name, of *Hexarchatship* of
 ‘*Ravenna*, wherein all Places were compre-
 ‘hended which had not Dukes of their own,
 ‘but were under the Command of one *Hexar-*
 ‘*chus* :’ (For according to *Potter’s Grecian Hi-*
 ‘story (5) towards the Declension of the Roman
 ‘Greatness, the Chief Magistrate of *Athens*
 ‘was call’d *Στρατηγός* (6), i.e. Duke; but *Constan-*
 ‘*tine* the Great, besides many other Privileges
 ‘granted to the City, honour’d him with the Ti-
 ‘tle of *Μέγας Στρατηγός*, or Grand-Duke.

Not

(1) *Guicciardin* (*Francis*) a Citizen of *Florence*, in
 great Favour with *Leo 10th*, *Adrian 6th*, and *Clement*
 the 7th. *Alexander-de-Medicis* Duke of *Florence* chose
 him for a Counsellor of State (approv’d by all learned
 Men) and died 1540: This is our *Guicciardin*. There was
 another (*Lewis*) Nephew to ours, who writ an exact Hi-
 story of the *Low-Countries*, translated into *French* by *Bel-*
lefont, and into *Latin* by *Brantius*, &c. He died in 1589.

(2) *Goths*.] *Gothi*, *Γοθοι*, *Steph. Gothini*, *Tac. Guttones*.
Plin. a Germ. gut, bonus. People of the lower *Scythia*,
 the Northern Part of *Europe*, who wasted and depopula-
 ted a great Part thereof. They first came into *Germany*,
 where were slain an 100000, ante Chr. 314. And long af-
 ter

ter they brought into subjection and barbarism a great Part of the Christian World, and inhabited a Part of Spain, France, Italy, &c. *Verstegan* (in his Restitution of decay'd Intelligence) saith, The *Goths*, being Members of the German Nation, were so call'd of the Country they dwell'd in, which lying on the South Part of the Kingdom of *Suevia*, and being better and more fertile than all the other Countries that lye North from it, was therefore call'd *Gotland*, which is to say good Land.

(3) *Vandals.*] *Vandali*, People of Germany about *Mecklenburgh*, on the Coast of the *Baltick* Sea; from whom also the *Beltick* Spain call'd *Vandalitia*, or as now, *Andalusia* had its Name. The *Vandals* (which according to *Verstegan*) should rather be written *Wandales* (but that the *Latin* lacking the double (VV) use the single (V) instead thereof) have gotten that Name by their much wandering from Place to Place, and not after *Van-lalus* the VIIIth King of Germany, nor of a Queen call'd *Wandala*: *Wandel* in the *Teutonick* is the same that *wander* is in *English*, and a fit Name for a People easily to purchase to themselves, that *wanded* or *wandred* about the World, as this People did, and in likelihood accustom'd to fleet from Place to Place in Germany it self, before they wandred from thence to other foreign Parts of the World. (*Restitution of decay'd Intelligence.*)

(4) *Ravenna*] An antient City of Italy in *Romania*, with the Title of an Arch-Bishop's See, belonging to the See of *Rome*; it stands on a marshy Ground, 45 Miles from *Eononia* in the East, 30 from *Rimini*, and 42 from *Ferrara*, near the Shoars of the *Adriatick* Sea, upon which it had a great Harbour, and was the Station of *Augustus's* Fleet on the *Adriatick* Sea; in the Declension of the *Roman* Empire the Emperor *Honorius* kept his Residence in it, and fortified it with a double Wall. The Authors of the *Roman* Histories make frequent mention of it. *Ravenna* was the Residence of *Theodoricus* King of the *Goths*, and since of the *Exarch's* or Vice-Roys, which the Emperors of *Constantinople* sent into Italy: *Longinus* was the first sent thither by *Justin* about 567, or 568, 657 c. *Ravenna* is not so considerable at this Day as it hath been

in Times past: It has one Gate of Marble, which the People call the golden or beautiful Gate. Its Principal Church is supported by four rows of Marble Pillars. Its Port hath sometimes serv'd for a Retreat to the *Roman Navy*. In the Church of *St. Mary de la Rotunda*, which was built about 757, without the Town of *Ravenna*, after it was freed from the Dominion of the *Lombards*: The middle or concluding Part of the Top of the Dome is one entire Stone 10 Foot broad, and 200000 weight, which renders this Church very famous, there being scarce any thing else remarkable. (*Herman Moll.*)

(5) Vol. I. Cap. 7. p. 27.

(6) Στεγανός.] *Inter diversa Ducum Genera (qua post adustum Imperium occurrunt) alias pro praefecto exercitus, qui Graecis Στεγανός. (Spelm. Gloss.)*

(2) *Pice-*

Not long after a notable Change and Alteration of Matters ensued from the *Lombards*; for they a most fierce and cruel People entring into *Italy*, possess'd the Country call'd *Gallia Cisalpina*, of whom it hath also taken the Name of *Lombardy*. They added also to their Government *Ravenna*, with all the *Hexarchatship* thereof, besides many other Parts of *Italy*, extending their Arms as far as *Picenum* (1), *Spole-tum* (2), and *Beneventum* (3), over which they appointed Governours to rule and command, whom they call'd Dukes, &c. So the *Lombards* ravaging and roaming far Abroad in *Italy*, at length with thirty of their Dukes in vain attempted

tempted to have taken the City of *Rome*. And thus according to the Manner of Wars, it came to pass, that the Titles of the Dignities of the former Empire being neglected, all things began to be govern'd by the Generals and Commanders of the Armies, viz. by such as they call'd Dukes, Earls, and Princes.

These

(1) *Picenum*] A Country in *Italy*, now call'd *La Marca di Ancona* in the Territories of his Un-Holiness, a Province both large and fruitful, and one of the chief of the Demesne of the *Roman See*. The Principal Towns are, viz. *Ascoli, Ancona, Osimo, &c. inde Populi Piceni, Picentini & Picentes, a Pici Martij Nomine. Picenum, a Pica dict. que vexillo Sabinorum, quum Asculum Proficiscerentur, insedit.* These People were subdued by the *Romans* about the 480th Year after the Building of their City.

(2) *Spoletum*] Now call'd *Spoletto*, or *Spolete*, is a City in the Territories of *Rom.* Anti-Christ in *Italy*; and a Bishop's See, immediately under him. It stands in the Province of *Umbria* or *Ombria* (a large Country on both sides the *Appennine*) and gives Title to a Duke. The Places of Note in this Dutchy besides *Spoletto*, are, viz. *Eugubio, Nocera, Alife, and Todi.*

(3) *Beneventum*] *Benevento, Benevent*, which some Place in the Country of the *Hirpins*, and others in that of the *Samnites*, is a Town of *Italy*, in the Kingdom of *Naples*, bearing the Title of a Dutchy and Arch-Bishoprick. It is situated upon the Rivers of *Sabato* and *Calore*, in a fertile Country, giving its Name to a Valley. The Popes are Masters of it, and it is thought to have been built by *Diomedes*, and then call'd *Maleventum*, as *Pliny* and *Livy* inform us; but the *Romans* having since sent a Colony thither,

thither, this Name was chang'd (*boni ominis gratia*) into *Beneventum*, which it hath retain'd ever since. It was one of the 18 Colonies which assisted the *Romans* with Men and Money against *Hannibal*, who had wasted the Country even to the Walls of *Rome*. This City was ruin'd by *Totila* about the Year 545, but repair'd afterwards by the *Lombards*, who erected it into a Dutchy, the Dukes whereof have been pretty Famous. It hath been subject to the See of *Rome* ever since the Year 1071.

(1) *Charles*]

These People *Charles* the Great (1), Son of *Pepin* King of *France*, by the *Romans* call'd into *Italy*, having taken *Ticinum* (2), the Metropolitan City of the *Insubres* (3), and there slain *Desiderius* (of a Constable promoted to be King of *Italy*) overcame and subdu'd; and was forthwith, by the general Consent of all Men, chosen Emperor of the West Empire; who, as he would have the Empire it self call'd the *French Roman* Empire, so had he a Design, even in the Beginning thereof, to make it Hereditary, and made the great Men, and those who were with Honourable Titles grac'd, altogether free; binding them by Oath, as Men holding in Fee (4) only of the King, and of the Emperor. So that if by chance they should recede from their Faith and Allegiance (5), or die without Issue, he then ordain'd those their Dignities to be transferr'd

ferr'd to others : And this Ordinance was called *Investitura* (5), or an Investiture (5).

The

(1) Charles,] *Lat. Carolus, Kerl. Scal. Carl Prisca vox est, qua Robusti fortesq; Viri designabantur. Aliqu. King & totus Cordatus*, the Names of divers Kings and Princes ; one whereof sur-nam'd the Great, and commonly call'd *Charlemaine*, Son of *Pepin*, call'd the Short or Little, was born about the Year 742. or as others will have it 747, at the Castle of *Ingelheim* near *Mayence*, and crown'd at *Noyon* in 768, after the Death of his Father, first King of *France*, and afterwards Emperor of the *Romans* in 800. He overthrew the *Huns*, *Saxons*, *Bavarians*, and *Lombards*, with many other notable Victories which he achiev'd. He took the Name of *Cesar* and *Augustus*, the two first Emperors of *Rome*, with the Spread and Two-Headed Eagle to make the *Roman* and *German* Empire, which he then possess'd in great Part, after having extended the Limits of his Dominions by his continu'd Victories for 47 Years together. He Founded the University of *Paris*, and did many other Works of Piety ; and, in short, he was a most excellent Prince both in Peace and War, had he not too much stoop'd to the Sea of *Rome*, of which he first got the Title of Most Christian King. He dy'd at *Aix la Chapelle*, the 28th of *Jan.* 814, at the Age of 72 Years, having been King of *France* 45 Years, 4 Months, and 22 Days, King of *Italy* 41, and Emperor 13 Years, 1 Month, and some Days. He had four Wives, *viz. Hermengarde*, Daughter of *Desiderius*, King of the *Lombards*, whom he put away the 2d Year of his Reign. *Hildegarde*, *Fastarde*, and *Ludgarde*. He had four Sons and five Daughters by *Hildegarde*, his 2d Wife. The Sons were, *Charles*, *Pepin*, *Lewis* the Debonaire, and *Lotharius* ; these last were Twins. *Lotharius* dy'd young ; *Charles*, King of Eastern *France*, or *Austrasia*, in 811 ; and *Pepin* dy'd in 810, so that *Lewis* inherited all. The Daughters dy'd all young, except one, who

liv'd to be marry'd to the Count of *Angilbert*, who was afterwards Abbot of *St. Riquier*.

(2) *Ticinum*] *Pavia*, upon the River *Tesino*, the Capital of the Country call'd the *Pavesè* in *Italy*, united by the Viscounts of *Milan* to their Dominions, and is the 2d City in the *Milaneze*.

(3) *Insubres*] *Populi Gallia Trans-Padana*. *Insubria*, the Country of that People, call'd the State of *Milan*.

(4) *Fee*] This was the Original of holding in Fee. As to the Word Fee it self, take what the great *Selden* and *Cowel* (the one in his *Titles of Honour*, the other in his *Law-Interpreter*) say of it. Feuds, or *Feuda* (being the same in our Laws we call Tenancies, or Lands held, and *Feuda* also, which is but the same Word in our *Foeda Militaria*) are (according to *Selden's* Description of them) Possessions so given and held, that the Possessor is bound by Homage, or Fealty, to do Service to him (or those who derive under him) from whom they were given. And the Services that are to be perform'd by the Tenants of these Lands are various. And frequently Rents, as well as other Service, are due out of them to the Lords of whom they are held. But altho' *Feudum*, or Feud, be taken to interpret the very Word *Beneficium*, and of it self originally to signify no more, yet that which really gives it the Nature and Notion that is now fix'd on it, is the Bond of Homage, or Fealty, between the Lord and the Tenant, (*vid. Cujac. Observat. Lib. 8. Cap. 14. Præter eos qui ex professo de Feudis Volumina scribunt, vid. Eodin. de Repub. Lib. 1. Cap. 9.*) for without that Bond no Possession (tho' it pay Rent, or other Satisfaction, upon any Contract, either Censual, Emphyteuticary, or the like) can be a Feud. Whence this Use, to give Lands by such a Right, originally came, is much disputed: Some fetch it from the Antient Right of Patrons and Clients in *Rome*. But there was only a kind of Bond between them, but no Possession held by that Bond. Others derive it from the *Roman* Deduction of Military Colonies into subdu'd Countries, so the better to preserve what was won to the Empire. Others otherwise. But
among

among the *Romans*, I see not any Thing so near the just Nature of Feuds, as those Possessions which were given to such as were their *Duces Limitanei*, or Dukes of Frontiers in the Empire, and to others that spent their Time with them in Defence of those Frontiers, to be held only under Military Service: And of those we find express mention under *Alexander Severus*. He (saith *Lampri-dius, circa Ann. Christi 220.*) gave such Territories, as were gain'd in the Frontiers, *Limitaneis Ducibus & Militibus, ita ut eorum ita essent si Heredes illorum militarent, nec unquam ad privatos pertinerent; dicens, attentius eos militaturos, si etiam sua Rura defenderent.* Here we see Lands given to be possess'd to them and their Heirs, under the Tenure of Military Service to be perform'd by them. So *Probus* gave much Land in *Isaurica* to his old Soldiers, as *Vopiscus* saith. And of this kind were the *Agri Militibus assignati* mention'd by *Ulpian*. Some other like Examples are: And so to the Time of *Alexander Severus*, an Original, or some Use of Feuds in the Empire may be well referr'd; as also a kind of joyning them with the Title of *Dux*, but not of the making of that Title Feudal or Perpetual, as annex'd to the Feud given. For I conceive not that the *Duces* themselves kept their Offices or Names the longer by reason of their Feuds, much less transmitted it to their Heirs; only the Feuds were given as Rewards to Them and their Heirs, under the Tenure by Military Service, which continu'd after the Name and Office ended: It is very likely also, that the same Course was in the following Times us'd as well to Counts as Dukes (being to this Purpose of the self-same Nature) in their several Frontiers committed to them: But the annexing of those Dignities to Feuds, and so making them also Feudal, is of another Original. Nor was the Use of making them Feudal in the Empire, antienter than the Translation of it to *France*. The Use of Feuds also was very frequent among those Northern Nations, which over-ran the most of all *Europe*, about the Time of the declining Empire: And the Power and Glory of their Princes consisting in the Multitude of such as were devoted to Live and Die with them, the Bond of such Devotion was made chiefly by such Gifts of Possessions as created a Feudal Right between the Gi-

ver and the Possessor, confirm'd also by an Oath of the Possessor's Part, which bound him both to be Faithful to the Giver, and also Assistant to him. And there is a plain Taste, both of the Frequency and Antiquity of Feuds among those Northern Nations, in that of the *Cimbri*, (which is the most comprehensive Name of them) when being precluded out of *Spain* and *Gaul*, they petition'd the State of *Rome*, that they might have Land given them to be held of the State by Military Service, as if such kind of Gifts had been ordinary among the Princes of their Countries. And altho' there were some Use of Feuds in the Empire, before the Incursions of those Northern Nations, in the declining Times, yet we may more fitly attribute the Original of the common Use of Feuds, thro' all the Western and Southern Parts of *Europe*, to those Nations; and to them also the first Annexing of Feuds to the Dignities of *Dux* and *Comes* is justly referr'd: For those Dignities, as they were Officiary, they found in all or most of the Provinces where the *Romans* had been, and they annex them to Feuds, and so us'd those *Roman* Names, as they did otherwise the Language of *Rome*, in their Charters, Laws, and such like, tho' not without much Abuse and Spoil of the Neatness of it. But the *Lombards* of *Italy* being a great Part of those Nations, and in their own Nature being chiefly Warlike (when they found those two Titles in use, and that the Power joyn'd to both was frequently equal, and that the Title of *Comes*, as it had Relation to the Court, and when it was of the first Rank, was better than *Dux*, and that yet *Dux* was the more expressing Title of a Governor that had Garrisons with him) so prefer'd the Name of *Dux*, that their chiefest Dignity, thus given in their Kingdom in Feudal Right, was *Dux*; and that of *Comes* was at first left not only inferior, but often also subordinate to it, and given to the Judges and Civil Governors of Cities or small Territories, that were Part either of Dutchies or other Provinces of their Kingdom. And the first joyning of the Title of *Dux* with a Feud, and so making it Perpetual (being before Temporary, or at Will only) was in that of *Alboinus*, the first King of the *Lombards*, his making *Friuli*, and the Province about it, a Dutchy, and giving it to *Gisulfe* his Nephew. And thus, under him
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and his Successors, before *Charles* the Great, began also the Dutchies of *Spoletto*, *Tuscany*, and *Benevento*, and others in *Italy*. And as soon as the *Lombards* had gotten the Territory of the *Heparchate* of *Ravenna*, it was erected into a Feudal Dutchy by King *Luitprand*: And as the *Lombards* in *Italy*, chose *Dux* rather than *Comes* for their highest Title under the King, so in some Parts of *France*, of *Germany*, and of other Countries also (where those *Northern* Nations planting themselves, had found the Provincial Names of *Dux* and *Comes*, as they denoted Governors of Provinces) *Comes*, being apprehended to be every way, at least as honourable a Title as *Dux* (it was indeed greater in the old Empire) was retain'd also, among such as were subordinate, as a Title of highest Dignity, and so annex'd to *Feuds*, as *Dux* in *Italy*. And oftentimes both that and *Dux* were taken for so much the same, that there was no difference of their Dignities design'd by them. These Names thus taken into use among those *Northern* Nations, and joyn'd with *Feuds* in the Countries of *France*, *Italy*, *Germany*, and elsewhere in that, which hath been since, the *Western* Empire, continu'd so in them until *Charles* the Great, who being King of all those Parts, was made Emperor, and retain'd the former Use in them. And so came these Dignities to be first Feudal in the Empire. (*Tit. Hon.* Part the 2d, Chap. the 1st, Pag. 273, 274, 275, 276. Sect. 23d.)

Cowel's Description or Definition of the Word Fee is this, viz. Fee, *Feudum*, vel *Feodum*, cometh (saith he) of the French Word *Fief*, i. e. *Predium Beneficium*, vel *Res Clientelaris*, and is us'd in our Common Law to signifie divers Things: As First, All those Lands which we hold by Perpetual Right, as *Hotman* well noteth *Verbo Fedum, de Verbis Feudalibus*. Our antient Lawyers have not express'd what they fully meant by it, but only say, that by this Name go all Lands and Tenements that are held by any acknowledgement of Superiority to an higher Lord. They that write of this Subject, divide all Lands and Tenements where a Man hath a perpetual Estate to him and his Heirs, &c. into *Allodium* and *Feudum*; *Allodium* they define to be every Man's own Land, &c. which he possesseth merely in his own Right, without acknowledgement of any Service, or Payment of any Rent

Rent to another ; and this is a Property in the highest Degree. Second, *Feudum* is that which we hold by the Benefit of another ; and in the Name whereof we owe Service, or pay Rent, or both to a superiour Lord : And all our Lands here in *England* (the Crown Lands being in the King's own Hands in the Right of the Crown only excepted) is in the Nature of *Feudum* or Fee. For tho' many have Lands by descent from their Ancestors, and others have dearly purchas'd Land with their Money ; yet is the Land of such a Nature, that it cannot come to any either by Descent or Purchase, but with the Burden that was laid upon him, who had Novel Fee, or first of all receiv'd it as a Benefit from his Lord to him, and to all such, to whom it might descend, or any way be convey'd from him. So that in Truth no Man hath *directum Dominium*, the very Property or Demain in any Land, but only the Prince in the Right of his Crown. (*Cambd. Brit.*) For tho' he that hath Fee, hath *jus Perpetuum* & *utile Dominium*, yet he oweth a Duty for it, and therefore it is not Simply his own ; which Thing, I take those Words, that we use for the expressing of our deepest Rights in any Lands or Tenements to import : For he that can say most of his Estate, says thus ; I am seiz'd of this or that Land or Tenement in my Demain as of Fee, *Seisitus inde in Dominio meo ut de Feudo*, and that is as much as if he had said, It is my Demean or proper Land after a Sort, because it is to me and my Heirs for ever : yet not Simply mine, because I hold it in the Nature of a Benefit from another. Yet the Statute of 37, *H. 8.* Cap. 16, useth these Words of Lands invested in the Crown ; but it proceedeth from the not knowing the Nature of this Word Fee ; for Fee cannot be without Fealty sworn to a Superior, as you may read at large in those that write *de Feudis*, and in particular *Hotoman*, both in his Commentaries and Disputations. - - - And Note, That Land, &c. with us is term'd Fee in two Respects, One as it belongeth to us and our Heirs for ever, the other, as it holdeth of another. - - - *Fritton* (Cap. 23.) defineth it thus ; Fee is a Right consisting in the Person of the true Heir, or of some other that by just Title hath purchas'd it. - - - *Fleta* saith (Lib. 5. Cap. 5. Sect. *Feodum autem*) *Feudum est quod quis tenet ex quacumq; causa sibi & Hæredibus suis, sive sit Tenementum,*
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sive redditus qui non proveniunt Camera, & alio modo dicitur Feudum, sicut ejus qui feoffant, & quod quis tenet ab alio, sicut dicitur talis tenet de tali tot Feuda per servitium militare. ---- And all that write *de Feudis*, hold, that *Feudatarius* hath not an entire Property in his Fee.--- But the Definition of Sir *Henry Spelman* is most intelligible; a Feud is a Right which the Vassal hath in Land or some immoveable Thing of his Lords, to use the same, and take the Profits thereof Hereditarily, rendring unto his Lord such Feudal Duties and Services as belong to Military Tenure, the mere Propriety of the Soil always remaining to the Lord. (*Spelman of Feuds*, Cap. 1.) The Divisions of Fee in divers Respects are many and worthy to be known; but we divide them only into Fee Absolute, otherwise term'd Fee Simple; and Fee Conditional, otherwise call'd Fee-Tail. Fee Simple, *Feodum Simplex*, is that of which we are seiz'd in these general Words, To us and our Heirs for ever. Fee-Tail, *Feodum taliatum*, is that whereof we are seiz'd to us and our Heirs with Limitation, *i. e.* the Heirs of our Body, &c.--- And this Fee-Tail is either General or Special; General is, where Land is given to a Man and the Heirs of his Body; the Reason whereof is given by *Littleton* (Lib 1. Cap. 2.) Because a Man seiz'd by such a Gift, if he marry one or more Wives, and have no Issue by them, and at length marry another, by whom he hath Issue; this Issue shall inherit the Land. Special-Tail is that, where a Man and his Wife be seiz'd of Lands to them and the Heirs of their two Bodies; the Reason is given likewise by *Littleton* in the same Place, because in this Case the Wife dying without Issue, and he marrying another, by whom he hath Issue, this Issue cannot inherit the Land, being Specially given to such Heirs, &c. This Fee-Tail hath the Original from the Statute of *Westm.* Cap. 1. made 13. *Ed. I.* Yet see *Bracton*, Lib. 2. Cap. 5. Num. 3. *in his Verbis*, *Item quadam absoluta & larga, & quadam stricta & coarctata sunt certis Hereditibus*; for before that Statute, all Land given to a Man and his Heirs, either General or Special, was accounted in the Nature of a Fee, and therefore held to be so firmly in him, to whom it was given, that any Limitation, notwithstanding he might Alien and Sell it at his Pleasure, much like that which the *Civilians* call *Nudum Præceptum*

tum, binding rather by Counsel and Advice, than Compulsion or Restraint. But this seeming unreasonable to the Wisdom of our Realm, that a Man meaning well to this or that Posterity of himself, or his Friends, might be forthwith deceiv'd of his Intention; the said Statute was made for Redress of that Inconvenience, whereby it is ordain'd, That if a Man give Lands in Fee, limiting the Heir to whom it shall descend, with a Reversion to himself or his Heirs for default, &c. that the Form and true Meaning of his Gift shall be observ'd: He then that hath Fee, holdeth of another by some Duty or another, which is call'd Service, and of this Service, and the diversity thereof, see the two Heads, *Chivalry*, and *Service*, in this Book. -- Secondly, This Word Fee is sometimes us'd with us for the Compass or Circuit of a Manor or Lordship. (*Bracton*, Lib. 2 Cap. 5.) *In eadem villa & de eodem Feudo*. --- Thirdly, it is us'd for a perpetual Right incorporeal, as to have the keeping of Prisons in Fee. --- Lastly, It is taken for a Reward or Wages given to one for the Execution of his Office, as the Fee of a Forester, of a Keeper of a Park, or of a Sheriff for serving an Execution, limited by 20. *Eliz.* Cap. 4. And also for that Consideration given a Serjeant at Law or Counsellor, or a Physician, for their Counsel and Advice in their Profession; which, as 'tis well observ'd by Sir *John Davis*, in his Preface to his Reports, is not properly *Merces*, but *Honorarium*; yet in the Law Language it is call'd a Fee.

(5) *Allegiance*] *Allegiantia*, at first properly imply'd the due and legal Subjection of every Vassal to his Lord: It is now restrain'd to the natural and sworn Allegiance or legal Obedience, which every Subject owes to his Prince.

What the Nature of that Allegiance, which an *English* King claimeth of his Subjects, is, can't better appear than from Mr. *Bacon*'s own Words, in the 2d Part of his Historical Discourse of the Uniformity of the Government of *England*, Chap. the 8th, entitul'd, Of Legiance and Treason, with some Considerations on *Calvin's Case*; and from the 1st Volume of State-Tracts, Publish'd on Occasion of the late Revolution in 1688, and during the Reign of King *William* the III^d (of ever Glorious and Immortal Memory.) Printed at *London* in 1705.

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Mr. Bacon, having first explain'd, what Treason, Majesty, and particularly *English* Majesty are, proceeds to this Definition of Legiance, *viz.*

To these two Notions of Majesty and Treason (saith he) I must add a third, call'd Legiance; for it is that, which maketh Majesty such indeed, and lifteth it into the Throne, and whereof the highest Breach makes Treason; and because that, which hath been already said, reflecteth upon an Opinion or rather a Knot of Opinions (for I find them not punctually adjudg'd) in *Calvin's* Case, I must a little demur to them, because as their Sense is commonly taken, it alters the fundamental Nature of the Government of this Nation from a Common-wealth to a pure Monarchy. In handling of this Case, the honourable Reporter (*Coke*) took leave to range into a general Discourse of Legiance, although not directly within the Conclusion of the Case; and therein first sets down the general Nature thereof, that it is a mutual Bond between an *English* King and his People; and then more particularly sets forth the Nature of this Bond in the several Duties of Obedience and Fealty (Fo. 5. a.) and those also in their several Properties, *viz.* Natural, Absolute, (Fo. 7. a.) due to the King *Omni soli & semper* (Fo. 12. a.) in his natural and not publick Capacity (Fo. 10. a.) whereas he saith, this Bond is Natural, he meaneth that it is due by Birth (Fo. 7. a.) By Absolute (if I mistake him not) he meaneth, that it is Indefinite (Fo. 5. b.) *viz.* not circumscrib'd by Law, but above Law, and before Law, (Fo. 13. a.) and that Laws were after made to enforce the same by Penalties, (Fo. 13. b.) and therefore he concludeth that this Legiance is immutable (Fo. 13. b. and Fo. 14. a.)

Thus having stated the Point as truly as I can, both for the Nature of Legiance, and the Object thereof, *viz.* the King, and not the People, otherwise than in Order to the Safety and Honour of the King's Person, consider'd in his natural Capacity as he is a Man; I shall in the next Place examine the Grounds as they are severally set down; and therein shall lead the Reader no farther, than the Reporter's own Concessions; not troubling the Reader with any Doubt, whether this Bond consists in Obedience only, or in that Fealty; and in all shall ever be mindful of the Honour of that Pen with which I have to deal.

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First, Whereas it is said, that *English* Legiance is Natural, and grounded upon the Birth of each Party within the King's Dominions and Protection, it needeth no Debate, so as the same be taken, *Sano sensu*, viz. for a qualified Legiance barr'd of those Sublimities of Absolute, Indefinite, Immutable, &c. For otherwise if such an high Strain of Legiance be due from every *English* Man by Birth, then all the *Magna Charta*, or Laws concerning the Liberties of the People come too late to qualify the same, because they cannot take away the Law of Nature, (Fo. 14. a.) and thus the Party once born *English*, must for ever remain Absolutely oblig'd to the King of *England*, altho' happily he lives not two Months under his Protection all his ensuing Life-time.

Secondly, The Legiance of an *English* Man to his King ariseth from that civil Relation between the two Callings of King and Subject; and therefore it is not a Natural Bond which cannot be taken away: The first is true by the Reporter's own Concessions: *Protectio trahit subjectionem*, & *subjectionem trahit Protectionem*; so he saith (Fo. 5. a. Fo. 9. b.) and therefore tho' it be granted, that Magistracy in general is from Nature (as he saith) (Fo. 13. a.) yet of weak Birth is that Inference, which he maketh, viz. That *English* Allegiance is a Principle in Nature, unless it be also admitted that all Men on Earth that submit not to *English* Allegiance do Sin against Nature. The Difference then will stand thus, Magistracy is founded in Nature, therefore Legiance also; but *English* Magistracy is from civil Constitution, therefore is *English* Legiance of the like Nature. In the next Place the Reporter saith, That before any Municipal Law was made, Kings did *dare jura*, and he mounts as high for Example as the *Trojans* Age by the Testimony of *Virgil*; but I believe he intended not much Strength in this, seeing it's well known by any that knows the Scriptures, that there were Municipal Laws given, and that concerning the Office of a King, by *Moses*, which were more antient than those of *Troy*, and long before the Time of *Virgil*, who neither tells us in what Manner those *Trojan* Laws were made, tho' the Kings gave them, nor if all were according to the Reporter's Sense, is the Testimony of the Poet (who sometimes useth his *Poetica Licentia*) to be taken in *Terminis*. In the next Place the

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Reporter vouches the Testimony of *Fortescue* (C. 12, and 13.) which is as absolutely Opposite to the main Point in Hand, as any Pen can declare: For he tells us of divers sorts of Kingdoms, some gotten by Conquest, as those of *Nimrod*, *Belus*, &c. But saith he, there is a Kingdom Politick, which is by the Association of Men, by Consent of Law, making one Chief, who is made for Defence of Law and of his Subjects Bodies and Estates, and he cannot govern by any other Power: And of this Nature, saith he, the Kingdom of *England* is. (Fo. 30, 31, 32.) A second Piece of the Foundation of this Opinion of the Reporter is taken *ab inane*, it is a vain Thing saith he to prescribe Laws but where by Legiance fore-going People are bound to Obey; but this compar'd with the Words of *Fortescue*, formerly mention'd, falls of it self to Dust, and therefore I shall not further enlarge concerning it.

Thirdly, The Reporter brings in to help the Matter, the Consent of the Law in elder Times by certain Cases vouch'd to that Purpose; The first concerning the Legiance of Children to Parents, which cometh not to this Case, because it is a Legiance of Nature, and this Legiance, whereof we speak, is yet under a litigious Title, and I suppose will in the Conclusion be found to rest only upon a civil Constitution, therefore I leave that.

The second is, That a Man Attainted and Out-law'd, is nevertheless within the King's Protection, for this (saith the Reporter) is a Law of Nature, *Indelebilis* & *Immutabilis*, and neither Parliament nor Statute can take this Power away, (Fo. 13. b. 14. a.) and therefore the Reporter concludes, that as well the Legiance of the Subject, as the Protection of him by the King, are both of them from the Law of Nature. An Opinion that speaks much Mercy, yet it seems strange, considering the Pen; for if it be a Law of Nature and Immutable, for the King to protect Persons Attainted, then must no such Persons suffer, for if he be under the King's Protection, that being by a Law of Nature, cannot be chang'd by any Positive Law, as the Reporter saith, nor can the King be bound by any such Statute, but by a *Non Obstante* he can set himself at Liberty when he pleaseth, and then the Issue will be this, the King hath a Natural Power to protect the Persons of Law-breakers from the Power of the Law, therefore much
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more their Estates, and then farewell all Law, but this of the King's natural Protection. I say that these are of an high Strain, considering what the Reporter speaketh elsewhere. But to pursue his Instance; he saith (11 Co. Fo. 88. 8. Co. Fo. 20. 4. Co. Fo. 33. 7. Co. Fo. 36.) that the King hath Power to protect an attainted Person; that if any Man kill him without Warrant, he is a Man-slayer, and yet this Person Attainted hath lost the legal Protection. It's true, yet not to all Intents, for by the Sentence of the Law, his Life is bound up under the Law of that Sentence (*viz.*) that he must not Suffer in other manner, than the Law determineth, nor before Warrant of Execution issue forth to that End (35 H. 6. 63.) And notwithstanding the Sentence, yet the Law leaveth him a Liberty of Purchase or Inheritance, tho' to the Use of the Crown, and therefore in some Respects, the Law Protects his Person, so long as he lives, and the King's natural Protection is in vain in such Cases.---

Lastly, Suppose the King hath a Power of *Non Obstante*; if the same be allow'd to him in a limited way by the Law, it is no Argument to prove the King's natural Power, which is driven at under natural Legiance, much less if it cannot be made out that the Law doth allow any such Power of *Non Obstante* at all, but by the Iniquity of the Times permitteth the same to subsist, only to avoid Contention, as it came into the Kingdom by Usurpation. And thus I have discover'd the Foundation of this first Qualification, which I shall only leave naked, supposing that no Man seeing it will build at all thereupon.

The *Second* Property that cometh to be consider'd, is, (*viz.*) That *English* Legiance is Absolute (*Fol. 5. b. Fol. 7. a.*) which is a Word of vast extent, serving rather to amaze Mens Apprehensions, than to enlighten them; and therefore the Reporter did well not to trouble himself or the Reader in the Clearing or Proof thereof, but left the Point rather to be believ'd than understood, nor shall I in the Negative: For God himself can have no other Legiance from an *Englishman*, than Absolute Legiance, and Kings being (as other Men) subject to Err, especially in this Point of Prerogative, are much rather subject thereto, being misled by such Doctrines as these are; the Scripture (*Acts 14. 19.*) determines this Point, and cuts the Knot asunder.

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The *Third* Property of *English* Legiance, which the Reporter insisteth upon, is, that it is Indefinite, which he explaineth to be *Proprium quarto modo*, so as it is both Universal and Immutable (*Fol. 5. b. Fol. 12.*) and neither defin'd by Time, Place, or Person: as touching the Time and Person, the Reporter enlarg'd not at all, therefore I shall only leave the Reader to chew upon the Point, supposing himself in the first Times of *Edward* the 4th, when *Henry* the 6th was then alive, and let him resolve to which of 'em his Legiance had been due, considering 'em both in their natural Capacity, as the Reporter would have it. But as touching the Place, it's reported that *English* Legiance is not only due from an *Englishman* to an *English* King in *England*, but in all Places of the King's Dominions, tho' otherwise Foreign as to the Power of the Law of *England*: Yea, saith the Reporter, as far as the King's Power of Protection doth extend: And yet this had not been enough, if the Premisses be granted; for if this Legiance, whereof we speak, be Absolute, & *Omni Soli* & *Semper*, then is it due to the King from an *Englishman*, *Ubivis Gentium*. Nevertheless, to take the Reporter in a moderate Sense, it is worth Consideration, whether *English* Legiance *Temp. Ed. 3.* extended as far as the King's Power of Protection, whenas he had the Crown of *France* in a foreign Right to that of *England*. In this the Reporter is extreemly Positive upon many Grounds which he insisteth upon.

First, He saith, That *Verus* & *Fidelis* are Qualities of the Mind, and cannot be circumscrib'd within the Predicament of *Ubi*; and upon this Ground he might conclude, that this Legiance is due to the King from an *Englishman* all the World over, as well as in all the King's Dominions; but concerning the Ground, it may be deny'd, for tho' simply in it self consider'd as a Notion, Verity or Fidelity are not circumscrib'd in Place, yet being Qualities of the Soul, and that being in the Body, in relation thereto, it may be in the Predicament of *Ubi*; for where-ever that Body and Soul is, there is Faith and Truth, according to its Model, which tho' not Absolute and Indefinite, yet if according to the Laws of the Place, wherein the Man is, he is truly said to be *Verus* & *Fidelis*.

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Secondly, The Reporter argueth, that the King's Protection is not Local, or included within the Bounds of *England*, therefore also is not the Legiance. For *Protectio trahit Legiantiam, & Legiantia Protectionem*; had this Reason been form'd into a Syllogism, it had appear'd less Valuable; for the Protection of an *English* King, *qua Talis*, of an *Englishman*, is Local, and included within the Bounds of the Kingdom; but if the same King be also King of *France*, or Duke of *Aquitain*, and an *Englishman* shall Travel into those Parts, he is still under the same King's Protection, yet not as King of *England*, but as King of *France*, or Duke of *Aquitain*, otherwise, let the Party be of *France*, or *Aquitain*, or *England*, all is one, he must be (whether *French* or *English*) under an unlimited, absolute Protection, without Regard had to the Customs or Laws of the Place; yea, contrary to them, which I believe the Reporter never intended to affirm.----

Thirdly, The Reporter falleth upon the Matter of Fact, and tells us, that the King of *England* did many times, *de facto*, grant Protections to Persons in Places out of the *English* Confines, and it will not be deny'd; but never was any absolute and indefinite Protection so granted; for the Protection extends to Defence from Injury, and all Injury is to be expounded and judged according to the Laws of the Place; nor do any of the Precedents vouch'd by the Reporter, clear that the King of *England* did grant, as King of *England*, Protection to any *Englishman* in any Parts of the King's Dominions beyond the Seas, which was not qualify'd according to the Laws and Customs of that Place; especially it being apparent, that an *English* King may hold Dominion in Foreign Parts, in Legiance under a Foreign King, as *Edward* the 3d held the Dutchy of *Guyen*, and therefore cannot grant absolute Protection in such Place, nor receive absolute Legiance from any Person there being.

Fourthly, The Reporter saith, that the King of *England* hath Power to Command his Subjects of *England* to go with him in his Wars, as well without the Realm of *England*, as within the same, therefore the Legiance of an *Englishman* to his King, is Indefinite, and not Local, or circumscrib'd by Place, or within the Kingdom of *England*.

land. Altho' the first of these be granted, yet will not the Inference hold; for possibly this may arise from the Constitution of a positive Law, and not from natural or absolute Legiance, nor doth any Authority by him cited justify any such Legiance; but I cannot agree to the first, for it is not true, that the King hath any such Power from his own personal Interest, nor doth the Authority of former Ages warrant any such Matter: For a fuller Disquisition whereof, I shall refer the Reader to the 11th Chapter ensuing, because the whole Matter concerning the Militia cometh there to be handled of Course.

Fifthly, To close up all the rest, the Reporter brings the Testimony of the Judges of the Common Law, out of the Testimony of *Hengham*, wherein an Action was brought by a *French* Woman, and not of the Legiance or Faith of *England*; this was disallow'd by the Judges, because Legiance and Faith was referr'd to *England*, and not to the King: Thereupon the Defendant averr'd, that the Plaintiff is not of the Legiance of *England*, nor of the Faith of the King: And upon this Plea, thus amended, the Plaintiff gave over her Action. The Reporter from hence observeth, That Faith and Legiance is referr'd to the King indefinitely, and generally, and therefore it is so due to him. The Reason might have had more Force, had the Object of Allegiance, or the Nature thereof, been the Point in Question; but neither of them coming in debate, and Allegiance being subjected to *England*, and Faith to the King, I see not what more can be concluded from hence, but that Allegiance from an *Englishman* is due to *England*, and Faith to the King, which I suppose must be intended to be in Order to that Allegiance; because by the former Plea *England* had them both, and the King was wholly left out in the Case. Nevertheless, I rather think that the present Point in Controversy will receive little Light here-from on either Part.

We are now come to the *Fourth* Property of *English* Legiance, That it is due to the King's natural Capacity, and not to his politick Capacity, or due to the Office of a King, in regard of the Person of the Man, and not to the Person, in regard of the Office (*Fo. 20.*) and because this is of no small Importance, neither easily understood, nor granted, therefore he backeth his Opinion with many Reasons.

First, He saith, That the King sweareth to his Subjects in his natural Capacity, therefore the Subjects swear to him in his natural Capacity. This Reason was intended to be taken from Relatives, and then it should have been thus : A King doth swear to his Subjects in their natural Capacity, therefore Subjects swear to a King in his natural Capacity ; but it being otherwise, it is mistaken, and proves not the Point : Yet if we should take the Reporter *in sano sensu*, there is no Question but the Oath is made to the natural Capacity ; yet not Terminative, more than the Oath of the Tenant to his Lord, which this Author pleaseth to Couple with the mutual Dependance between King and Subject. (*Fo. 4. b. 5. a.*) Nor doth the Oath of an *Englishman* bind him to the Obedience of all, or any Commands which the King shall give in Relation only to his natural Capacity, or in Opposition to his politick Capacity ; nor will the Reporter himself allow, that the politick Capacity of the King can be separate from his natural Capacity (*Fo. 10.*) and yet it is evident, that a King may in his natural Capacity command that, of which his politick Capacity cannot give Allowance.

The *Second* Reason of this Opinion is taken from the Nature of Treason, which, saith the Reporter, is committed against the natural Person of the King, and this is against due Legiance, according to the Form of Indictments in that Case provided : This is not Demonstrative, because that Crime, which is done against the natural Person of a Man, may as well extend to it, in Relation to his Place, or Office : and so may Treason be plotted against the natural Person of a King, as he is King. Neither is there any other Difference between the Murther of a King, and a private Man, but only in regard of the Place and Office of a King, which makes the Murther of him Treason ; for which Cause all Indictments that do conclude, *Contra Legiantie debitum*, do as well also conclude, *Contra Coronam & Dignitatem*, &c.

The *Third* Reason is this, A Body Politick can neither make nor take Homage, (*23 H. 8. Bro. Tit. Fealty*) therefore cannot the King, in his politick Capacity, take Legiance. The first must be granted only *sub modo*, for tho' it cannot take Homage immediately, yet by the Means of the natural Capacity it may take such Service ; and there-
fore

fore that Rule holds only where the Body Politick is not aggregate, and not one Person in several Capacities : For the Tenant that performs his Service to his Lord, performs the same to his Lord in his natural Capacity, but it is in Relation to his politick Capacity, as he is his Lord : For Lord and Tenant, King and Subject, are but Notions, and neither can give nor take Service ; but that Man that is Lord or Tenant, or King or Subject, may ; even as the Power of Protection is in a King, not as he is a Man, but as a King.

The *Fourth* Reason is this, The King's natural Person hath Right in the Crown by Inheritance, therefore also in the Legiance of the Subject. This is the Strength (as nigh as I can collect) of that which is set down as a *Sixth* Reason, but I make it the *Fourth*, because the *Third*, as I conceive, is but an Illustration of the *Second*, and the *Fifth* is upon a Supposál of a *Fides ficta* ; whereas that Faith of an *English* Subject, which is according to Law, is the truer of the Twain ; but to the Substance of this *Fourth* Reason : If the *Fifth* be granted, yet the Reporter cannot attain his Conclusion ; for the King may, in his natural Capacity, have Right to the Crown by Inheritance, and yet not Right in the Legiance of his Subjects, otherwise than in the Right of the Crown : As in the Case of Lord and Tenant ; the Lord may Inherit the Lordship in his natural Capacity, but the Service is due to him as Lord, and not as by Inheritance in the Service in the Abstract. And tho' it be granted, that the Legiance to a King is of an higher Strain, than that of a Tenant to his Lord (*Fo. 4. b. 5. a.*) yet doth the Reporter bring nothing to light, to prove them to be of a different Nature in this Regard.

The *Fifth* and Last Reason that cometh to Consideration, is from a Testimony of the Parliament ; for it is said, That this damnable Tenet of Allegiance to the King, in his politick Capacity, is condemn'd by two Parliaments ; but in Truth I can find but one under that Title, that mentioneth this Opinion, and that is call'd *Exilium Hugonis*, which in Sum is nothing else but Articles, containing an Enumeration of the particular Offences of the two *Spencers* against the State, and the Sentence thereupon : The Offences are, for compassing to draw the King

by Rigour, to govern according to their Wills; for withdrawing him from hearkning to the Advice of his Lords; for hindring of Justice, and for Oppression, and (as a Means hereunto) they caus'd a Bill or Schedule to be publish'd, containing that Homage and Legiance is due to the King, rather in relation to the Crown, than absolutely to his Person; because no Legiance is due to him, before the Crown be vested upon him: That if the King do not govern according to Law, the *Leiges* in such case are bound by their Oath to the Crown to remove him either by Law or Rigour.

This is the Substance of the Charge, and upon this exhibited in the Lord's House, the Lord's, *Super totam Materiam*, banish them before their Case is heard, or themselves had made any Appearance thereto, so as to the Matter of this Schedule (which contains an Opinion suitable to the Point in Hand, with some additional Aggravations,) the Parliament determineth nothing at all; but as to the Publishing of the same, to the Intent to gather a Party, whereby they did get Power to Act other Enormities mention'd in the Charge; and in relation to those Enormities, the Lords proceeded to Sentence of Banishment; all which was done in the Presence of the King, and by his Discontent, as may appear by his Discontent thereat, as all Historians of those Affairs witness; and it is not probable that the King would have been discontented at the Proceedings of the Lords in asserting the Prerogative of a King, in that Manner of the Schedule, if he had perceived any such Thing in their Purposes. Add hereunto, that the Lords themselves justified the Matter of the Schedule in their own Proceedings, all which tended to enforce the King to govern according to their Counsels, and otherwise than suited with his good Pleasure. By Force they remov'd *Caveston* from the King's Presence formerly, and afterwards the *Spencers* in the same manner: So they remov'd the King from his Throne, and not long after out of the World.

Last of all, I shall make use of one or two Concessions, which hath pass'd the Reporter's own Pen (in this Discourse of his) for the Maintaining, that the Legiance of an *English* Man is neither Natural, nor Absolute, nor Indefinite, nor due to the Natural Capacity, but qualified according to Rules.

The

The *First* is this, *English* Men do owe to their King; Legiance according to the Laws, therefore it is not Natural, or Absolute, or Indefinite. The Inference is necessary, for the latter is Boundless and Natural; the former is Limited, and by Civil Constitution: If any Branch therefore of *English* Legiance be bounded by Law, then the Legiance of an *English* Man is circumscrib'd, and not Absolute or Natural. The major Proposition is granted by the Reporter, who saith, That the Municipal Laws of the Kingdom have prescrib'd the Order and Form of Legal Legiance, (Fo. 5. b.) and therefore if by the Common Law, the Service of the King's Tenant, as of his Mannor, be limited, how can that consist with the Absolute Legiance formerly spoken of, which bindeth the Tenant, being the King's Subject, to an Absolute and Indefinite Service? Or if the Statute Laws have settled a Rule, according to which each Subject ought to go to War in the King's Service beyond the Seas, as the Reporter granteth, (Fo. 7, 8.) then cannot the Legiance be Absolute to bind the Subject to go to War according to the King's own Pleasure.

Secondly, An *English* King's Protection of his Subjects, is not Natural, Absolute, Indefinite, nor Originally extendeth unto them in their Natural Capacity: Therefore is not the Legiance of an *English* Subject to his King, Natural, Absolute, Indefinite, nor Originally extendeth to the King, in his Natural Capacity.

The Dependance of these two resteth upon the Reporter's own Words, who tells us, that *Protectio trahit subjectionem, & subjectionem Protectionem*, so as they are *Relata*, and do prove mutually one another's Nature, (Fo. 5. a.) and in the same Page (a few Lines preceeding) he shews why this Bond between King and Subject is call'd Legiance, because there is a Reciprocal and double Bond: For as the Subject is bound in Obedience to the King, so is the King bound to the Subject in Protection. But the King is not naturally bound to Protect the People, because this Bond begins not at his Birth, but when the Crown is settled upon him.

Thirdly, This Protection is not Absolute, because the King must maintain the Laws, (Fo. 5. a.) and the Laws do not protect Absolutely any Man, that is a Breaker of the Laws.

Fourthly, This Protection is not Indefinite, because it can extend no further, than his Power, and his Power no further than his Dominions, (Fo. 9. b.) the like also may be instanc'd in Continuance of Time.

Lastly, The King's Protection extendeth not Originally to the natural Capacity, but to the Politick Capacity: Therefore till a Foreigner cometh within the King's Legiance, he cometh not within his Protection, and the usual Words of a Writ of Protection shews, that the Party Protected, must be in *Obsequio Nostro*. (Fo. 8. a.) The Sum then is, that as Protection of an *English* King, so neither is Legiance, or Subjection of an *Englishman*, Natural, Absolute, Indefinite, or Terminated in the natural Capacity of the King. And to make a full Period to the Point, and make the same more Clear, I shall instance in one Precedent, that these Times of *Ed. 3.* produc'd: The former *English* King's had Title to many Territories in *France*, but *Ed. 3.* had Title to all the Kingdom: And being possibly not so sensible of what He had in Possession, as of what He had not; He enters *France* in such a way, and with that Success, that in a little time He gains the highest Seat therein, and so brought much Honour to the *English* Nation: and more than stood with the Safety of the Kingdom: For in the Union of two Kingdoms its Dangerous for the Smaller, lest it be Swallow'd up by the Greater.

This was foreseen by the *English*, who knew *England* did bear but a small Proportion to *France*, and complain'd of that Inconvenience: And thereupon a Law was made, (14. *Ed. 3. Stat. 4.*) that the People of *England* should not be Subject to the King or his Heirs, as Kings of *France*; which manifestly importeth, That an *English* King may put himself in such a Posture, in which Legiance is not due to Him; and that this Posture is not only in Case of Opposition, but of Diversity, when He is King of another Nation, and doth not *de Facto*, for that Time and Place, Rule as an *English* King: Which if so, I suppose this Notion of Natural, Absolute, and indefinite Legiance to the King in his natural Capacity is out of the Kingdom, if not out of the World; and then the Foot of the whole Account will be, that the Legiance of an *Englishman* is Originally according to the Laws; the Sum

of All being comprehended in the joynt safety of the People of *England*. (*Hactenus Bacon.*)

The State of *English* Allegiance, which I have given the Reader a view of in Mr. *Bacon*'s own Words, being so full and clear, I shall not trouble him with much out of the State Tracts; yet something from that Author is necessary to present to him, in Order to make good what I propos'd at the Enttring upon this Article, and to strengthen and confirm the foregoing Discourse.

The Definition which this Author gives of *English* Allegiance is thus express'd by him, *viz.* As touching Allegiance (saith he Pag. 337.) the true Nature of it will be evident to us by considering, That Allegiance or Legiance with Respect to the King (for antiently even inferiour Lords had their Liege Men) imports, as the Glossaries tell us, that reciprocal Fee there is between the King and the Subject, binding the one to Protection and just Government, the other to Tribute and Obedience. And these Duties of Protection and Obedience appear to be correlative; for as the King is *ex Officio* (as Lawyers speak) oblig'd to do equal Justice to all his Subjects, and to govern by Law, and the Subjects are, by implicit Obligation of the Law bound to Honour and Obey the King; so the Law has appointed reciprocal Oaths to be taken for the better Enforcing the Performance of these respective Duties, that is, the Coronation Oath on the King's Part, and the Oath of Allegiance on the Subject's.

And tho' this be the true State of Allegiance in its just Latitude, yet by Custom this Word is now most commonly used to signifie the Faith and Obedience Subjects owe unto the King. Therefore taking it in this latter Sense, it's manifest, that as the Law is the rule and measure of our Allegiance, so the King is the Object of it.

Allegiance is due to the King as King, that is, as a Person vested with the Regal Authority. It is the Exercise of Royal Authority, that constitutes his Politick Capacity, and draws to it the Obedience of the Subject, and not meerly the Descent of a Right to the Crown; for even in Cases, where the usual Course of Succession is interrupted, Allegiance is due to the King in Possession, who is call'd a King *de facto*; and for this Cause, Treason may be committed against him, as well as against a King succeeding by regular

lar Descent ; and yet by the Law, Treason cannot be committed against one that is rightful Heir to the Crown (who is for Distinction call'd a King *de jure*) at such Time as he is out of Possession of the Crown.

Nay, the Law does very carefully guard the Person even of a King *de facto*, (that is, a King who does not come in by regular Succession) and requires of the Subjects, Obedience to Him ; insomuch, that if Treason be perpetrated against the King *de facto*, such Treason shall not only be punishable by the King *de facto* in his Lifetime, but even by the King *de jure* after the Demise of the King *de facto*.

So also Treason committed against a King *de facto*, shall be alledg'd in the Indictment to be *contra naturalem Ligentiam Domino Regi debitam* ; for as he bears the Politick Capacity of a King, so the Law entitles him to the Allegiance of the Subjects.

In like manner all Judicial and Political Acts done by a King *de facto*, are as Valid and Obligatory, as if they had been done by a Rightful King, in actual Possession of the Throne : Whereas on the contrary, all such Acts done by a King *de jure*, who is not in Possession of the Crown, are totally void. So little Difference doth the Law make in case of the Regality between Right and Possession.

Again, (Pag. 128.) It is certain, that the Reciprocal Duties in Civil Societies, are Protection and Allegiance, and wheresoever the One fails wholly, the Other fails with it : And as this is true in the only Government, which is founded on the Law of Nature, I mean the Authority of a Father over his Children, so it is much more true with relation to every Form of Political Government, in which there is a mutual Tie of Protection and Obedience, according to that System of Government given by St. Paul in his Epistle to the Romans, Chap. 13. in the first 7 Verses.

Again, (Pag. 324.) Allegiance in its Primary general Sense, signifies being Oblig'd or Bound ; in its Political Sense it imports that kind of relation which refers a Subject to his Prince, and by Consequence it connotes the Duties which result from that relation.

Allegiance (Pag. 370.) is due to him, from whom we receive Protection ; this is allow'd by all the World ; else why

why do Men after having sworn Allegiance to their Native Prince, and going into another Country, swear Allegiance to the Prince thereof?

For 'tis an acknowleg'd Aphorism, that *Salus Populi est Suprema Lex*, and therefore to be preferr'd before Titles to Succession.

A King (Pag. 378.) is a true and real King, when in Possession of the Throne (tho' not by regular Descent) having taken the Coronation-Oath, and governing according to the Laws of the Land: 'Tis not the Title, but the Office, that maketh him a King (in which Capacity we swear Allegiance to him) which if any King derogates from, he forfeits his Right of governing. Again (in the same Page) if a King that comes to the Throne by regular Descent, should refuse to take the Coronation-Oath, the People are not bound to swear Allegiance to him; and he neither ought, nor can be obey'd as a King in the least Command, tho' he should promise to govern according to Law; and he being not qualified according to Law, therefore he could not be Head and Governour.

Many other Passages of this Author relating to Allegiance in its several Branches I might quote, which to avoid too much Prolixity, I shall omit.

(6) *Investitura, Investiture*] Deriv'd of the French Word *Investir*, and signifies to give Possession (Hotman *de verbis Feudalibus, verbo Investitura*) *Investitura Barbarum nomen, Barbaricam quoq; rationem habet; nam, ut ait Feudista, Lib. 2. Tit. 2. Investitura proprie dicitur, quando Hasta vel aliquod Corporeum traditur a Domino: Others define it thus, Investitura est in suum jus alicujus Introductio; a giving Livery or Seisin or Possession.*

(1) *Marchias*

The Bounds and Towns of his Kingdom he committed to the Government of Counts or Earls. The Bounds and Borders they call'd *Marchias* (1)

or

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or *Marches*; whereupon the Governours of the *Marches* began to be call'd *Marchiarum Comites* (or Counts of the *Marches*) and at length *Marchiones* or Marquesses. Those whom he set and plac'd in the Provinces for the Administration of Justice, and the keeping of the People in their Allegiance, were then call'd *Missi* (2), or Men sent, or otherwise *Legati* (3), i. e. the Emperor's *Legates* or Lieutenants; but such as the People created afterwards of themselves for the Administration of Justice, and the Government of Cities, being Two or more in Number, chosen after the manner of the antient *Roman* Common-wealth, were call'd *Consuls*. The *French Roman* Empire with this Success made by *Charles* the Great, was left to his Posterity almost Hereditary, which shortly after also, under the Emperor *Charles* the Gros (Nephew in the fourth Degree to *Charles* the Great, and before King of *Germany*) devolv'd from the *French* to the *Germans*: To whom also (within a few Years after) *Otto* (4) the Great, King of *Germany* (5) and he Emperor too, succeeded; who following the Steps of *Charles* the Great, gave such Perfections to his Beginnings, in bestowing and disposing of Honours and Dignities, as that he is not so much for his Sir-name (6) and

Noble

Noble Acts to be compar'd with the most mighty Emperors, as for his wholsome Laws and heroical Ordinances, of all Posterity ever highly to be commended.

For

(1) *Marchias* may be deriv'd from the German *March*, i. e. *Limes*, or from the French *Marque*, i. e. *Signum*, being the notorious Distinction between the two Counties or Territories. The *Marches* be the Bounds and Limits between us and *Wales*, or between us and *Scotland*; (24. H. 8. Cap. 9.) And the *Marches* of *Scotland* are divided into *West* and middle *Marches*. 4 H. 5. 7. 22 Ed. 4. Cap. 8. The Word is us'd in the Stat. of 24. H. 8. 12. generally for the Borders of the King's Dominions.

(2) *Missi*] *Missus*, *Legatus*, *Nuncius*, *Commissarius*, *Vicarius*, & quem *Forenses Angli*. *Attornatum nuncupant*. *A mittendo*.

Aimoin. Lib. 5. Cap. 15. Pag. 294. *Legatos. al. missos. in Marg.*

Gloss. in Cap. 1. de immunitate Eccles. dicit esse vulgare italicum, in recentioribus Historijs pro Ferculo usurpatur Missus. Sic Amerpach Capitulare factum in Aquis Ann. 20. Caroli Mag. uti in Confit. ejus apud M. Amerpach - - - quapropter & nostros ad vos direximus Missos qui ex nostri nominum Autoritate, una vobiscum corrigant qua corrigenda essent: Item preceptum Ludovici. Imp. apud Flodoard. Lib. 2. Cap. 19 - - - Concedimus ut nullus Index, Comes, aut Missus, sive aliquis ex Judiciaria potestate, ullam inde eidem sancte Dei predicta Remensi ecclesie inquietudinem, aut ullum calumnie Impedimentum inferre unquam presumat.

Missus Regalis (quod hac immediate refert) Legatus, vel Commissarius Regis: interdum Justiciarius Regis. Greg. Turon. Lib. 5. Cap. 28. Chilpericus Rex dirigens de latere suo Personas, immensis damnis populum afflixit, supplicijq; contrivit, morte multavit. Ferunt etiam tunc Abbates

Abbates atq; Presbyteros ad stipites extensos diversis subiacuisse tormentis; clamantibus Regalibus Missis, quod in seditione Populi ad incendendos libros (de Descriptionis a Rege facta) satellites adfuissent. Flodoard. Lib. 3. Cap. 27. Apud Regem pro eo petierit & obtinuerit, ut Missos suos dirigeret, qui diligentissime hoc inter ecclesie Remensi & Avenaci Monasterij Possessiones, aqua lance indagantes decernerent; & post aliquot, Petitq; ut mittat Missum suum strenuum & Fidelem cum Misso filia sua.

Episcopus, Missus & Comes simul in Comitatu consulebant; Epist. Synodal Caroli Calvi Ann. 846. b. Tom. 3. Pag. 663. v. Missorium, Missatica, & Missos fuisse Episcopos in Caroli Calvi Capitul. Pag. 112. q. hic inferendum sum pollicitus in Justiciariorum electione.

Missi etiam dicebantur, qui ab Imperatore sunt legati in Provincias, ad Inquirendos, censendosq; mores Clericorum, Monachorum, Caterorumq; Ecclesiasticorum; hodie visitatores Appellati.

Missus Dominicus] Justiciarius, vel judex Regni, sive Imperat. remotioribus hinc saculis sic Apellatus est. Ekkehardo Jun. Angelus Imperatoris. quod v. Flodoard. Lib. 2. Cap. 18. Tilpinum sequitur Vulfarius: qui ab Imperatore prefato Magno Carolo Missus Dominicus ad recta Judicia determinanda fuerat ante Episcopatum constitutus super totam Campaniam. Longob. Lib. 2. Tit. 16. Coram Rege & scabinis, vel Misso Dominico, qui tunc ad justitiam faciendam in Provincia fuerint Ordinati.

Missus, vel Nuncius Papa a Legato differt, quod sine Legati insignibus delegatur.

Missus Comitum] Vicarius Comitum. Vice Comes. Capitular. Car. Lib. 2. Cap. 24. --- Volumus etiam ut Capitula, que nunc & alio tempore consensu fidelium nostrorum a nobis constituta sunt, a Cancellario nostro, Archiepiscopi & Comites eorum de proprijs civitatibus modo, aut per se, aut per suos Missos accipiant, &c. (Spelm. Gloss.)

(3) Legati,] Legatus pro nuncio privati alicujus Hominis plebei. Lib. Rames. Sect. 265. Hugone (de Halewella) igitur sapissime tam per se, quam per Legatos suos suppliciter postulante, & sua necessitatis causas ostendente dedit

pra-

*prædictus Abbas prædicto Hugoni unam Cotsethelon-
dam, &c.*

*Pro Misso Dominico, &c. quem nos justiciarium Regis
appellamus. Annales Car. Mag. Sexones occasione nacta,
Legatos Regis qui ad eos ob justitias faciendas missi erant,
comprehensos interficiunt. (Id. ibid.)*

(4) Otto] Otto the 1st Emperor of Germany, succeeded his Father Henry the 1st in 936, and was crown'd at Aken by Hildebert, Arch-Bishop of Mentz: He subdu'd the Hungarians and Bohemians, and reduc'd the Grandees of the Empire (some of them his nearest Relations) who thro' a Jealousie, which his Power and Victories had rais'd in them, made several Attempts against him, to own him as their Sovereign, &c. He died at Magdeburgh, the Wednesday before Whitsunday, the 7th of May, 973. Otto was a good Prince, and a Lover of Justice: It is said he was us'd to swear by his Beard, which, according to the Mode of those Times, he let grow down to his Waste.

(5) Authors do not agree why this Country was call'd Germany. Caesar in his Commentaries, Tacitus, Dion, and other Writers seem to intimate, That the Eburones, Condruses, Segnes, Cereses and Pemanes, having, when they cross'd the Rhine to settle in Gaul, taken the common Name of Tonores, were soon after call'd by the Natives Germans, or Brothers; others will have it come from Germannen, i. e. all Men; others from Werren, to Dispute or Quarrel; and add that they were first call'd Weermans, then Guerremans, and at last Germans: But its more probable, the Country being inhabited by Scythians, Gauls, &c. that confederating together against the Romans, they took the Name of Germans to signify their Union and Alliance. Nor do Authors agree better about it's Limits; some bound it with the German and Baltick Seas, with the Rivers Rhine, Danube, and Vistula; when Charlemagne undertook its Conquest, it was bounded with the Danube to the South, the Rhine to the West, the Baltick to the North, and Sarmatia to the East. But now it is bounded on the North by the Baltick Sea, Denmark, and the German Ocean; on the East by Hungary, Prussia, and Poland; on the South by the Alpes, which part it
from

from *Italy*; on the *West* by the *Netherlands*, *Lorrain*, and *Franche-Comte*.

Verfegan tells us; That the *Germans* do after the Name of *Tuisco*, or *Tuiscon* (call'd by *Tacitus de Mor. Germ. Tuisfo*) their Father and Conduſter, even unto this Day call themſelves in their own Tongue *Tuytſh*, and their Country of *Germany Tuytſhland*; and the *Netherlands* uſing herein the (*D*) for the (*T*), do make it *Duytſh* and *Duytſhland*, both which Appellations of the People and Country, I do here write right; according as we in our *Engliſh* Orthography, would write them, after their Pronunciation.

It reſteth now to ſay ſomewhat of the latter Names, whereby they are otherwiſe call'd, as *Germans* and *Almans*, howbeit of the *Italians* not ſo; for a *German* of them is even at this preſent call'd a *Tudeſco*, which hath relation to their right and antient Name, which they derive from *Tuisco*; as touching their Names of *Germans* and *Almans*, ſundry Suppoſals have been made, and of ſome peradventure that well underſtood not how both theſe Names are but one, and have but one Signification: For as in the latter Syllable, *Man*, they agree both in Sound and Senſe, ſo do they alſo agree in the former Syllables *Ger* and *Al*, to wit, in like Senſe, tho' not in Sound, for the Word *Ger*, or *Gar*, (for both are indifferently uſ'd) is as much in the *Tuytſh* or *Teutonic* Tongue as *Al*; and we *Engliſh* Men have a Phraſe to ſay, Drink a *Garaus*, and ſome not knowing what they ſay, inſtead of *Garaus*, which is to ſay *All out*, do ſay *Caraus*; and thus *Gar* and *Al*, being ſhew'd to be equivalent, both *German* and *Alman* is then as much to ſay as all or wholly a Man; and this Name the *Germans* may well at ſometime, and upon ſome Occaſion, have attributed or aſſum'd to themſelves, in regard of their great Manlineſs and Valour, and other Nations, that had Proof thereof, rightly afford them. And yet it plainly ſeemeth, that all the *Germans* did not generally take this Name, but kept their antient Name of *Tuytſh*, for that in Time the ſaid Name had ſo prevail'd among them, that it hath worn the latter Name of *Germans* both out of Uſe and Memory, and ſo continueth it unto this Day: The vulgar People of *Germany*, as before is ſaid, being wholly ignorant thereof, and calling

ing themselves *Tuytsh*, and their Country *Tuytshland* (*Re-stitution of decay'd Intelligence.*)

I here present the Reader with an Observation upon Sur-names, by a Peer of *Scotland*, who hath enquired into that Piece of Antiquity, with much Curiosity, taken out of *Collier's Great Hist. &c. Dictionary*. The only way to avoid the odious and scandalous Name of a Plagiary, is to quote Authors as I go along; and this I have done in most Articles, commented upon in this Essay. Now to what this *Scotch* Peer hath curiously observ'd of Sur-names.

(6) *Sur-name*] (saith he) Is that which is added to the Proper Name, for distinguishing Persons and Families; but the Choice and Use of them have been various, according to the different Customs of Nations; therefore we shall only Note here, how Sur-names have been chosen in this Island, and particularly in *Scotland*. As for Sur-name, in the Present Acceptation, which is common to the Children and succeeding Generations of Families, they were us'd in *England* before the (reputed Conquest) and long ere they were us'd in *Scotland*, whither the *English* brought that Custom: For when *Margaret*, Queen to *Malcolm Canmor*, King of *Scots*, with her Brother *Edgar Atheling*, fled into *Scotland* from *William* the 1st, many of the *English* who came with them, and got Lands in *Scotland*, had their proper Sur-names, as *Moubray*, *Lovel*, *Lisse*, &c. using the Particle *De* or *Of* before them, which makes it probable, that those Sur-names had been deriv'd from the Lands, which they or their Ancestors had possess'd. At this Time there were no such Sur-names in *Scotland*; tho' in *Kenneth* the 2d's Time, in 800, the great Men began to call their Lands by their own Names. But the ordinary Distinctions in Use then, were Personal, and not descending to succeeding Generations; but either the Name of the Father, as *John*, the Son of *William*; or the Name of the Office, as *Stuart*, &c. or accidental Notes from Complexion or Stature, &c. as *Black*, *White*, *Long*, *Short*, &c. or the Name of their Trade; as *Taylor*, *Weaver*, *Sadler*, &c. But after the Arrival of the *English*, as above-mention'd, those who were possess'd of Baronies or Lordships began to take Sur-names from their Lands, as *Patrick* of *Dunbar*, *James* of *Dowglas*, *John* of *Gordon*;

Gordon; and yet it was a considerable Time after 'ere these Sur-names were transmitted to their Children. Others tho' Inheriters of Lands, took for Sur-name, the Name of some eminent Person of their Ancestors, the *Highlanders* adding *Mach* before it, as *Mach-Donald*, i. e. the Son of *Donald*, and the *Lowlanders* adding Son after it, as *Donaldson*, *Robertson*, &c. The antient Way of designing Persons in *Latin* Deeds confirms these Observations, as *Patricius de Dumbar*, *Gaulterus Seneschallus*, *Joannes Sartor*, *Gulielmus dictus Niger*, &c. It's further to be observ'd, That those who had Lands, did at that Time chuse rather to take Designation from them, than from the Families whence they were descended, especially in the *Low-Lands* of *Scotland*: As for Example, *William* the 1st, of the House of *Hume*, is call'd *Gulielmus Filius Patricij Comitiss*, and his Son is called *Gulielmus Filius Gulielmi de Hume*, and a while after all the succeeding Generations are call'd *Hume*; whereas in the other Family, whence they descended, there is found *Patricius Filius Patricij Comitiss*, &c. *Patricius de Dumbar Comes*, &c. *Patricius Filius Patricij de Dumbar Comitiss*, and afterwards they were design'd, *Patricius de Dumbar Comes Marchie*, when the Sur-name of *Dumbar* became common to all his Descendents. Whence it is evident, That the antient Descent of Families is not so much to be found out by Sur-names, as by their Armorial Bearings, which are far more antient as appears by the Families of *Dumbar* and *Hume*; whose Arms differ only in Tincture, the antient Way of distinguishing Coats, especially in *Scotland*; Thus *Gordon*, *Ridpath*, *Nisbit*, Sur-names taken from the distinct Baronies, which they possess'd in the same County, are certainly of one Family, their Arms differing only in Tincture. It is also observable, That many who agree in Sur-name, are not of the same Family, their Arms being antiently very different, and especially such Sur-names as were taken by those of low Fortunes, or vulgar Extract, from mean Trades, as *Smith*, *Wright*, &c. Or from Complexion, as *Brown*, *White*, &c. there being many Paternal Coats of those Names which have no Affinity, those Trades, Complexions, or accidental Qualifications, as *Long*, *Short*, &c. being common; and therefore Persons of such Sur-names, being

being afterwards advanc'd to an higher Rank for their Vertue, had Coats of Arms bestow'd upon them; and this occasion'd the *Arma cantanda Rebus's*, which are sometimes found. It is likewise clear, that those who have Sur-names from Lands in *Scotland*, are descended from such Families as were possess'd of these Lands, when Sur-names were assum'd, except such as have of late chang'd the Names of their Lands to their Sur-names, which are generally known in the Neighbourhood. These Observations, tho' they be taken from the Custom of *Scotland*, will be generally found to hold also in *England*, and do certainly denote the Antiquity of Families: Thus *Whar-ton*, *Widdrington*, &c. Sur-names taken from Baronies, are noted and antient Families in the North; and *Hastings*, *Berkley*, &c. in the South. The same Observations hold good also in *France*, *Germany*, and *Italy*, and most other Countries where Sur-names are in Use. That it holds in *France*, is demonstrable from the Sur-names us'd by the *Normans* at their first coming into *England*, when they diffus'd the Custom of taking their Lands for Sur-names more universally, as *Dugdale* observes, is in the Family of *Berkley*; and the present *French King's* Sur-name, *De Bourbon*, is taken from a Town and Castle of *Bourbonnois* in *France*. The Sur-name of *Nassau* is taken from a City and Country of *Weteravia* in *Germany*; and the Sur-names of *Spinola* and *D'Est* are taken from Lordship's and Cities in *Italy*; and that the famous old *Roman* Sur-names of *Cæsar*, *Balbus*, *Calvus*, *Anobarbus*, *Naso*, &c. were taken from accidental Notes, is obvious to every one. Whence it's plain, that Sur-name was not originally the same with Sir-name, *i. e.* the Name of the Sire or Progenitor; but Sur-name is *Nomen supra Nomen additum*; and tho' according to modern Custom, Sir-name and Sur-name be the same, yet antiently it was not so; for tho' every Sir-name was a Sur-name, it's evident from the foregoing Observations, that every Sur-name was not a Sir-name, *i. e.* *Nomen Patris additum proprio*.

Sur-nosme (Sir Edward Coke, in the 2d Part of his *Institutes of the Law of England*, commenting upon 1 *H. 5. Cap. 5. Stat. of Additions*, pag. 666. saith) is deriv'd of *Sur* (*id est*) *super*, and *Nosme* (that is) *Nomen*, *quasi super Nomen*, because it is super-added to the Christian Name,

Name, which legally is *Prænomen*, in *Latin*, *Cognomen*, *quia conjunctum Nomen*.

This, and much more to the same Purpose, may be found in *Verstegan's Restitution of decay'd Intelligence*, to which I refer the Reader.

(1) *Capitaneus*

For he, after the antient Manner of the *Lombards* and *French*, receiving and entertaining every Man who was most Valiant into his Wars, bestow'd, as he thought good, upon such of them as by their worthy and faithful Services had well deserv'd of him, Royalties consisting of all manner of Dignities, Lands, and Governments of Provinces. And now began Titles and Dignities to be more plainly distinguish'd. For the Titles of Dukes and Counts (which with the Antient *Romans* were but the bare Names of Personal Offices and Charges) now receiv'd other Customs; and a Duke (at first chosen for his Vertues and noble Acts) they now began to call of his Dukedom, as they did also a Marquess of his Marquisate, and an Earl of his Earldom. He who had the Command of People from some King, Marquess, or Earl, was call'd *Capitaneus* (1), or a Captain; but they who had such Command from Captains, were call'd *Vavasores* (2), or *Valvasores* (*Vavasours* or *Valvasours*); and they who had it from these

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Vavafors, were call'd *Vavafini* or *Valvafini* (Vavafines or Valvafines;) whereupon this new Beginning of Political Nobility being far and wide dispers'd thro' the Kingdoms of the Empire, they at length were accounted truly Noble, according to the Manner and Custom of every Place and Country, who either themselves, or their Ancestors liv'd, so grac'd with these or such like Privileges.

And these be the Things, which, according to the Variety and Alteration of Times, are to be found in the most approv'd Authors, concerning the Titles of Honours and Dignities; in recounting of which, this I have thought most worthy of Notice, that all the Streams of Nobility (but especially the greatest and chiefest of them) came and issu'd out of the Camp; which Degrees of Honour and Nobility, before I compare them with ours, I shall in distinct Ranks orderly run thro', tracing even the very Original of every one of them.

And first of Princes: They in Camps were call'd *Principes*, or Princes (of whom at this Day we every where make so great Account) who serv'd in the first Ranks, excelling others in Strength and Age, and who follow'd the Spearmen, divided into fifteen Bands or Troops,

so plac'd, as it were, for a Refuge and Relief for them, that if in the Battle the Spearmen should be forc'd to retire, they might in Safety fly to those *Principes*, as to the Principal Men of more approv'd and assur'd Service. Hence *Castra Principalia*, the Principal Tents, and *Porta Principalis*, the Principal Port, where those *Principes*, or Principal Men, were wont to lye with their Bands, so often occur in *Livy*.

Next

(1) *Capitaneus* is taken either properly, or improperly. Properly taken, in the Feudal Customs of *Lombardy*, it comprehensively denotes Counts, and all above Counts, that have Feudal Dignities immediately deriv'd from the Sovereign. The Text of the Feuds is (*Lib. 1. Tit. 1.*) *Dux, Marchio & Comes Feudum dare possunt, qui proprie Regni vel Regis Capitanei dicuntur* Improperly taken, and with a special Restraint, it signifies such, as being neither Dukes, Marqueesses, nor Counts, are invested, either by the Sovereign, or by some Duke, Marquess, or Count, or some State, that hath Power by Infeudation to invest of some Territory or Feudal Command, or *Qui de aliqua, Plebe vel Plebis parte per Feudum sunt investiti*. These are also *Capitanei*, but improperly; for all such as have none of those greater Titles, and yet have any such Territories, or Commands, immediately from either the Sovereign, or from any of them who have of those greater Titles, were more properly, according to the *Lombard* Customs, *Valvasores Majores*, the Great Valvasours, or *Valvasores Regis* (if at least immediate to the Sovereign) the same with the Barons or *Freeheren* of the Empire. But the better Division antiently of Feudal Dignities amongst the *Lombards*, was generally into *Capitanei* and *Valvasores*; the first comprehending all those great Titles, the other

other all such as had Territory and Jurisdiction by Feudal Right without those Titles. So it appears clearly in *Otho Frisingensis* (*de Gest. Fred. 1. Lib. 2. Cap. 13.*) The Original of the Word *Capitaneus* is plain enough; the Signification literally being but as in the Common Notion, viz. in *Lege Jurid. Qui alijs præest, sicut Caput reliquo Corpori*, i. e. One who leadeth or commandeth a Company of Soldiers, and is either General, as he who hath the Governance of the whole Host, or Special, as he who leads but one Band. There is also another sort of Captains, *Qui urbium Præfecti sunt, quibus Plebs ab aliquo superiorum Gubernanda committitur*, so we have Captains here in England, as of Dover, the Isles of Jersey, Guernsey, Wight, &c. This Word *Capitaneus* occurs also often in *Petrus de Vineis*, and the Abstract of it is, *Capitanea* with him (*Lib. 6. Epist. 22.*) And as *Dux* and *Comes* came to be annex'd to Feuds, so did this of *Capitaneus* in Lombardy. (*Seld. Tit. Hon. Part the 2d, Chap the first, pag. 360. Sect. 55. Cowel's Interp.*)

(2) As for *Valvasour*, it is not clear enough whence it came, or what it literally denotes. Some would have it a *Valvis*; and Originations of that Kind are too often rashly admitted; but I have not yet understood any other Derivation of it, that is at all like a Truth, besides *Hottoman's*, and those that follow him, when they conceive it to be made of *Vassus*, or *Vassallus*, as *Valvasini* also; but how made of *Vassus*, or *Vassallus*, they tell us not, nor is it worth a further Enquiry. The next Feudal Title to the King's *Thane*, in the Saxon Law of Reliefs, is the *Mediocris Thainus*, or Middle *Thain*, as they call'd him, who after the Normans was often fil'd a *Valvasour*, a Name that was never Honorary here, but only Feudal. And if the Middle *Thain* were not Honorary, we cannot believe that any of the rest beneath him were so.--- And as the Use of *Baron* (as it is Honorary) after the Normans, explains the Nature of the King's Chief *Thain* in the Saxon Times; so doth that of *Valvasour*, that of a Middle *Thain*. To that Purpose we first Note here, the Concurrence of the Name, and then the Use and Nature of the Title of *Valvasour*.

The Concurrence of the Names of Middle *Thain*, and *Vavasour*, appears by that in the *French Laws* of *William* the First *Cap. 24. in Not. ad Eadmer, pag. 180.*) where, as *Earl*, *King's Thain*, and *Middle Thain*, succeeded one the other in the *Saxon Laws*, so *Count*, *Baron*, and *Vavasour*, are us'd by the *Interpreters* of them.---- And for so much as concerns the *Use* of this *Title* of *Vavasour* with us, I first observe here some particular *Testimonies* of the *Use* and *Continuance* of it, and then add my *Conjecture* of the *Nature* of it.---- The *Use* and *Continuance* of the *Name* of *Vavasour* was such, that from the *Normans*, till the *Time* of *H. 4.* it was a *Name* known; but *Feudal* only, not at all *Honorary*. In *Domesday*, it sometimes occurs as a *Synonymie* with *Liberi Homines Regis* (*MS. Suffolk, Sect. 74.*) And in the *Laws* attributed to *H. 1.* that are yet preserv'd in the *Red Book* (*MS. in Scacc. ex parte Rem Regis*) the *Persons*, that are reckon'd for those that were to have *Place* in the *County Court*, are *Episcopi, Comites, Vice-domini, Vicarij, Centenarij, Aldermanni, Praefecti, Praepositi, Barones, Valvasores, Tunegraviij, &c.* and under the *Title* there, *De Libertate Valvasorum; habeant Vavasores qui Libere tenent, placita vitam & veram pertinentia super suos homines, & in suo & super alios homines si in foris faciendo retenti vel gravati fuerint.*---- Other *Laws* also of the same *King* have this *Passage*, *Si modo exurgat (Lis) de divisione Terrarum, si inter est Barones meos Dominicos, tractetur Placitum in Curia mea. Et si est inter Vavasores duorum Dominorum, tractetur in Comitatu, & hoc Duello fiat nisi in ijs remanserit* (*Cod. MS. vet. Leg.*) *Bracton* mentions *Vavasours* in the like *Form* as the *Laws* of *W. 1.* do; speaking first of *Earls*, then of *Barons*, he adds, *Sunt & alij qui dicuntur Vavasores, Viri Magne Dignitatis*--- And then, playing with the *Word*, *Vavasor enim nihil melius dici poterit, quam Vas sortitum ad Valetudinem.* (*Lib. 1. de Rer. divis. Cap. 8, Sect. 4.*)

And the *Author* of *Fleta* (*MS. Lib. 1. Cap. 5.*) *Sub Regibus sunt Comites & Barones, Duces, Milites, Magnates, Vavasores, & alij subditi ut Liberi ut Servi, qui omnes etatem 12 annorum ad minus habentes, ferre tenentur Regi Fidelitatis Sacramentum; alioquin non habebunt Warrantum in terra ejus remanere.* The *Lands* that a

Vavasour

Vavafour held, were call'd a *Vavafory*. *Quod dicitur* (saith *Bracton*, *Lib. 2. Cap. 39.*) *de Baronía non est observandum in Vavaforia & alijs minoribus Feudis quam Baronía, quia Caput non habent, sicut Baronía.* And that the Use of *Vavafour* continu'd at least until the Age of *H. 4.* appears by that Instrument touching the Dissolution of the Bond of Obedience to King *Richard*.---For whereas in *Thomas of Walsingham* it is directed, *Omnibus & Singulis Dominis, Archiepiscopis, Episcopis & Prælatibus, Ducibus, Marchionibus, & Comitibus, Baronibus, Militibus, Vassalibus quibuscunq; ac cæteris Hominibus.* The Parliament-Roll (*Rot. Parl. 1. Hen. 4. Art. 52.*) hath the same Syllables, until *Militibus*; and there follows, *Vassallis & Valvasoribus ac cæteris Hominibus*: It is us'd also by *Chaucer*, who liv'd in the same Time, as a known Word, speaking of his *Franklin*. Now for the Nature of a *Vavafour*, tho' we perhaps may soon miss in giving an exact Definition of him, yet it is plain, that he was ever beneath a *Baron*; and it seems he was, in the more antient Times, only a Tenant by Knight's Service, that either held of a *Mesne Lord*, and not immediately of the King, or at least of the King as of an Honour or Mannor, and not in Chief, both which excluded him from the Dignity of a *Baron* by Tenure, as all were until about the End of King *John*. And of the same Nature I conceive the Middle *Thanes* of the *Saxon* Times to have been, and so no such *Thanes* were Honourary, nor their *Thain-Lands* Honourary Baronies (*Seld. Tit. Hon. Part the 2d, Chap. the first, pag. 360. Sect. 55. and Chap. the 5th, pag. 518, 19, 20. Sect. 4.*) *Cambden*, that learned Antiquary, saith, *Vavafores aut Valvasores proximum post Barones locum olim tenuerunt*: And again, *Primis etiam Normannorum temporibus & Thaini proximi a Comitibus in Dignitate censebantur, & Valvasores Majores (si illis, qui de Feudis scribunt, credimus) idem fuerunt Barones.* There have been within this Realm, since the reputed Conquest (to use the Words of the Lord Chief Justice *Coke*, taken out of the 2d Book of his *Institutes of the Laws of England*, pag. 667. having just before given a short Relation of these *Vavafours*) divers other Names of Dignities, which are grown to disuse, and in a Manner lost; as *Vicedomini, Vidames, &c.* But some do hold,

hold, that it had been more fit to have reviv'd some of the ancient Dignities, than to have created any of a new Invention.

(1) *Principes*

Next to *Augustus* the Emperor, they who in the Emperor's Name govern'd the *Roman* Affairs, were call'd *Principes* (1) *Senatus*, or Princes of the Senate: But afterwards the Emperor would have the Place or Title of a Prince to be a Dignity next to a King's, who amongst the antient *Saxons* were call'd *Ethelinges* (2), and with us *Clytones*.---- But now it is, as it were, a general Name diversely given and attributed to many at once, and orderly comprehending in it all the greater Sorts of Dignities; yea, in some Places, according to the Manner and Custom thereof, the Title and Dignity of a Prince, is inferiour to the Title and Dignity of a Duke or Earl.

Duces, or Dukes, took their Names from the *Latin* Word *Ducendo*, as if we should say, *Ductores*, or Leaders, because they marching before, led on their Followers. Hence we read the *Latin* Phrase, *ducere Bellum*, *i. e.* to lead War, for *gerere Bellum*, to make War: And so,

H

Hi Bellum assidue ducunt cum Gente Latina.

i. e. these Men make continual War with the *Latin* Nation; and they who as Dukes and Generals were Leaders of Armies, were wont to bear such Ensigns as the Consuls did: Whereupon the Word *Ducatus* sometimes signify'd the Region or County over which the Duke commanded, and sometimes the military Government and commanding Authority it self. To which Sort of Men, for their honourable and valiant Deeds in the Wars, Triumphal Ornaments were sometimes given: Amongst the antient *Germans*, to a General, or Leader of an Army, were assign'd 12 Counts or Earls to attend upon him (3).

Marqueesses

(1) *Principes Senatus.*] The Title of Emperor being settled in *Rome*, in the Person of *Julius Caesar*, and continu'd in his Successors, tho' the Emperors had the Substance every way of whatsoever is comprehended in Royal Majesty, yet in the elder Times of the Empire, they purposely abstain'd from the Name of *Rex*, or King, being a Word grown odious to *Roman* Liberty, from the Time that it was cast out by *Brutus*. In solemn Memory whereof they yearly celebrated, on the 7th *Kal.* of *March* (the 23d of our *February*) the Feast *Regifugium*. And *Cicero*, tho' he acknowledg'd that *Caesar* was *revera Rex*, fully a King in Substance, yet upon the Hate that continu'd of that Title, he tells us, that *Regem Roma posthac nec Dij nec Homines esse patientur* (*de Divinat. Lib. 2.*); and to palliate

palliate some Part of his Ambition, *Cæsar* himself being saluted King by the Multitude, but withal perceiving that it was very distasteful to the State, by the Tribunes pulling off the white Fillet from his Laurel, answer'd, *Cæsarem se, non Regem, esse*; refusing utterly also, and consecrating the Diadem, which *Antony* would have often put on his Head, to *Jupiter*.--- For the same Reason did *Octavian* abstain from the Name of *Romulus*, which yet he much affected. Alike was the Dissimulation of the next *Tiberius*, under whom were *eadem Magistratum vocabula* (as *Tacitus's* Words are) which were before, but the Sum and Sway of Things was ingross'd, and cunningly kept under one, differing in Name, not in Nature, from a King, as was observ'd also by him, who subscrib'd *Julius's* Statue with,

*Brutus, quia Reges ejecit, Cōsul primo factus est,
Hic, quia Consules ejecit, Rex postremo factus est.*

But also *Princeps*, and *Principatus*, and *Principium*, were proper Names for them and their Greatness; *Augustus* (saith *Tacitus*) *cuncta discordijs civilibus fessa Nomine Principis sub Imperium accepit*: And *Suetonius* of *Caligula* thus, *Nec multum abfuit quin statim Diadema sumeret, speciemq; Principatus in Regni formam converteret*; that of *Princeps* being taken only to supply the Name of *Rex*, to save them from the Envy which it would have drawn on them, there being also the like Original of *Princeps* for them, as there was of *Imperator*; for as the one came to denote the Supremacy in the State, out of the Use of it in the Army, so the other to signify the same Thing, out of the Use of it in the Senate; for the Title of *Princeps Senatus* (which was known familiarly in *Rome*, and so might be us'd without Envy) furnish'd *Augustus* and his Successors with the Title of *Princeps*, as it had Relation to the whole Common-wealth. (*Seld. Tit. Hon.* Part the first, Chap. 2d. pag. 12 and 13. Sect. the 2d.)

(2) *Edlingi*, or *Ethellingi*, *ab Edel*, or *Ethel*, Noble, and *Ling*, or *ing*, a Patronimick, as some, or a Termination only, as others would have it; generally it signify'd

fy'd all sorts of the Nobility, but strictly with us the King's eldest Son and Heir of the Kingdom ; (*Dr. Brady's History of England, First Part of the Saxon History, Lib. 2. Pag. 82.*)

(3) *Tacit. de Mor. Germ.*] So that the Dukes in the Army were like Colonels, and the Earls like Captains.

(1) *Celte.*]

Marqueßes were so call'd of a certain Jurisdiction, bound to some certain Place: So he who had the Command and Government of any Frontier Territory, or Sea-Coast, was call'd *Marchio*, or a Marqueß; the General also of the Kingdom or for the King, was sometimes also call'd *Marchio* (or a Marqueß) and they who receiv'd of them Fees were properly accounted the *Valvasores* of the King or Kingdom, as Men standing with the Generals *ad Valvas Regni*, at the Gates and Entrances of the Kingdom.

Others there be who go about to derive the Word *Marchia* from *Marcha* (a Word of the *Celtes*) (1), from whence also the Word *Marchare* (in *French*) to ride, and the *Marchomanni* (2) as a People who excell'd in good Horseman-ship.

Now of Counts and Earls, as there were divers Kinds, so of them amongst the antient Writers are found divers and fundry Sorts and Orders;

Orders ; such as amongst the rest were *Comites Sacri Palatii* (3) or Counts of the Sacred Palace ; *Archatri* (4) or Principal Courtiers ; and *Comites Stabuli* (5) or Constables. For *Desiderius* (as I have formerly noted) being from a Constable chosen and appointed by the *Lombards* King of *Italy*, was slain by *Charles* the Great. History also observes (6) that he sent *Burchardus* the Constable with his Fleet to *Corfica*.

There

(1) *Celte*. The *French* properly so call'd.

(2) *Marchomanni*,] A People of antient *Germany*, call'd by *Regino* (an Abbot of *Prume*, or *Pryym*, of the Order of *St. Bennet*, in the Forest of *Ardenna*, between the Electorate of *Triers*, and *Luxemburg*, belonging to the Diocess of *Treves*. He liv'd about the End of the 9th Century, and in the Beginning of the 10th was oblig'd to leave the Government of his Monastery, since which Time the Elector of *Triers* has it, with a Confirmation thereof in the Diet of *Ratisbone* in 1654. He writ a Chronicle from our Saviour's Birth till towards 908 ; which he afterwards carried on to 967, or 972 : In this Book are set forth the Principal Actions of the *French*. He writ also another Treatise *de Disciplinis Ecclesiasticis & Religione Christiana*. This last Work was first Printed in 1659 at *Helmstadt*, in the Dutchy of *Brunswick*, from a MS. in that University, and since re-printed more correct, and enlarg'd in 1671, with very Learned Notes upon it) *Marabenses*, from *Marhera*, which (probably) was their Country. *Cluverius* saith, that they dwelt between the Rivers *Rhine*, *Danube*, and *Neckar*, and from thence pass'd into *Bohemia*, with the *Sedusians* and *Harules*.
From

From that Time they often revolted against the *Romans*, and chiefly under *Marcus Antoninus*. Several antient Authors make Mention of them.

(3) *Comites Sacri Palatij*.] These Earls had a larger Jurisdiction than others, for they administer Justice in the Prince's Absence, and in weighty Affairs.

(4) *Archiatri*.] *Archiater* & *Archiater*. *Ἀρχίατρος*, ut sit vel *Ἀρχὸν ἰατρός*: vel quod *Casaub.* vult *Ἀρχὸν ἰατρίᾳ*. *Principis Medicus*, the Emperor's Physician, and *Comes Archiattrorum* was the Chief or President of the Emperor's Physicians.

(5) *Comites Stabuli*.] *Comes Stabuli*, Master of the Horse to the Emperors. He was call'd *Tribunus Stabuli*, under the Emperors *Constantine* the Great and *Julian*: The *Italians* in latter Ages, call'd the Lieutenant General of the Horse, Constable; and sometimes gave this Name to Officers as low as a Captain.

(6) History also observes] *Regino* (*qui floruit An. 1010.*) ait. viz. *Burchardum, Comitem Stabuli sui, quem corrupte Constabulum appellamus, cum Classe misit in Corsicam.* (*Spelm. Gloss.*)

(1) A

There were also *Comites Militum*, or Counts of the Soldiers, of whom the *Romans* would have always two residing in the *East*, who were thereof sometimes call'd *Comites Orientis*, or Counts of the *East*. And in short there were Counts of Provinces, such as were the Counts of *Spain*, *Britain*, and of the *Saxon Coasts* in *Britain*.

The *Gustaldus* in *Italy*, and a Count seem in antient Time to have been all one; there are some

some also who believe a Count in old Time to have been call'd *Comarchus*.

The Name of a Viscount sheweth a Beginning not to be doubted of; for he to whom the Count in the Camp committed the Authority of his Jurisdiction, was call'd *Vice-Comes*, or Viscount; as were in antient Time the Proconsul, and his Lieutenant or Deputy.

But whence the *Barones*, or Barons, were so call'd, is yet a little doubtful; for to the *Romans*, as concerning their Dignity, they were utterly unknown, tho' some affirm it to be a *Latin* (1) Word, by that Saying of *Cicero* to his Friend *Atticus*; *Apud Patrum reliquosq; Barones, te in Maxima gratia posuit, i. e.* he brought you into great Favour with your Patron, and the rest of the Barons.

Others obtrude to us the *Greek* Word *Βασις* which signifieth Grave: But be it as it will, if Credit be given to our most Learned Lawyer *Bracton* (2), the Barons were still accounted as most Valiant Men, for he (2) calleth them *Robora Belli*, or the Strength of War, and by *Baldus* (3) a Baron is defin'd to be a Man, having from his Prince the Power and Authority of correcting and punishing all Offenders whatever, from the highest to the lowest. But it sufficeth

ficeth now concerning these Things to have said thus much, as purposing of the same to speak more at large hereafter. And now let me come nearer to the Matter, by comparing of antient Things with others of later Date, to the Intent that by applying of those Things of Antiquity to this our Age and Time, the Reason, as well of the Names, as of the Dignities themselves, may the better and more manifestly appear.

As

(1) *A Latin Word.*] Let's see how *Selden* derives this Word *Baro*. He having just before so interpreted those Names by which they denote a Baron in *High-Germany*, that their Signification is thence sufficiently known, proceeds to the Etymology of the Word *Baro*, in these Words, *viz.* But whence their *Latin Word Baro*, which hath also been dispers'd through *Europe*, comes, and what it signifies, is a Question much controverted among such as are content to be too troublesome to themselves in so needless a Disputation. Some will have it from *Barones*, us'd in *Cicero* (*Epist. ad Attic. Lib. 9. Ep. 11.*) and *de Finibus Lib. 2.*) and *Baro* in that of *Persius*, (*Satyr 5.*)

Baro reguſtatum digito terebrare ſalinum
Contentus perages, ſi vivere cum jove tendis.

Where the old Scholiast *Cornutus* reads *Varo*, and tells us that *Varones dicuntur ſervi militum, qui utiq; ſtultiſſimi ſunt, ſervi ſcilicet ſtultorum.* But doubtleſs both in *Persius* and *Cicero*, *Baro* is taken for a ſtupid, contemptible and blockiſh Fellow. And *Concurritur* (ſaith *Hirtius de Bello Alexandrino*, ſpeaking of the Violence offer'd by *Minutius Silo*) *ad Caſſium defendendum. Semper enim Barones* (or *Berones*) *compluresq; evocatos cum Telis ſecum habere conſueverat.* Here *Barones* (or *Berones*)

T

ſeem

seem to denote mercenary Soldiers; and to that Purpose *Mercenarij sunt* (saith *Isidore*, *Orig. Lib. 9. Cap. de Civibus*) *qui serviunt accepta Mercede; lidem* & *Barones Græco nomine quod sint fortes in Laboribus*. And in an old *Arabick-Latin Glossary*, we read *Barones fortes in laboribus*, which teaches us to mend *Isidore's* Glossary, where it is Printed *Bargines fortes in bello*. In some other Glossaries *Baro* is turn'd *Mis* or hatred, and *Barofus*, disdainful or currish; but how from any of these Significations, it can be brought to denote the Dignity we speak of, I understand not. Others will have it, I know not why, from the *Hebrew* *Bar* בָּר that is a Son. But clearly they only derive it from the true Root, that make it from *Bar*, *Barn*, or *Bern*, as in some of the *Northern Languages*, which dispers'd themselves into *Europe* upon the Incurfions of the *Goths* and *Vandals*, and the rest of that Kind, it signified a Man, and in that Sense as it denotes the Sex as *Vir* doth, and not as *Homo* may; or rather as *Homo* doth in a common and most usual Acceptation, when it expresses the Male Sex only, as in the Provincial Languages that have *Hommes*, *Huomini* & *Hombres* (all made of *Homines*) for Men only. That *Baro* did signifie so much, is justified not only from those old Glossaries which have *Baro* interpreted by *'Avne* or *Vir*, but also by this that both in *Picart French*, and with us in our Law *French* (for all or most of the Tongues of *Europe* had something from those *Northern Languages*, and in this Particular we see the Word *Baron* almost in every State of *Europe*) *Baron* and *Femme* denote the same with *Vir* and *Femina*. And in the Laws both of the *Salians*, (*Tit. 33. de via Latina*) *Alemans*, (*Tit. 76. and 95.*) & *Ripuarians*, (*Tit. 58. Sect. 12.*) *Baro*, or *Barus* and *Femina* occur for a Man and a Woman. The Word thus signifying a Man came by Application to be restrain'd to a Dignity, as *Dux* and *Comes* from their common Signification did, and as also *Miles* for a Knight often, sometimes for a Gentleman, as in the Feudal Laws. And thence was it, that the Word *Barones* is sometimes us'd also in *Latin* Writers for some great Officers under the *Grand-Signior*, in whose State we are sure the Title was never any Honorary Dignity, as it is, and long hath been in the Christian States, where such, as had none of those Superior Titles of *Dux*

or Comes, and yet had their Territories given them under the Tenure of Homage, or becoming the Men (as the Phrase is in *England*, especially to this Day in Homage) or the Barons of the Emperor, that gave them their Territories or Towns with Jurisdiction in them, were afterwards call'd Barons. And altho' the Name be so Antient, and it signifies a Man, and *Barones nostri* occur in the *Lumbard Laws* (*Longobard. Lib. 1. Tit. 13. L. Unic.*) for the King's Men, yet it seems the Annexing of the Name of Baron to Feuds, and the Resultance of a Dignity out of that Annexion, was not common till in the following Times of the Empire, when other Feudal Dignities also grew frequent out of such an Annexion, as is before shew'd. And fit also the Name of Baron with their *Fryen Fryherren*, some Learned Men tell us that in Old *Dutch*, *Bar*, which signifies a Man, or Man-Child, is justly interpreted also by *Frye* or Free. (*Tit. Hon. Part the 2d, Chap. the 1st, Pag. 354, 55, and 56. Sect. the 52d.*) *Baro a Bar, Germanica Lingua Liberum & sui juris Significat.* (*Co. Instit. 4. Pag. 5.*)

(2) *Bracton*] Henry, born in *Devonshire*, was a famous Lawyer of this Land, renown'd for his Knowledge in the Civil, Common and Canon Laws (as appeareth by the Book written by him, entitul'd *De Consuetudinibus Anglia*, Printed at *London*, Anno. 1640, and several other Books every where extant) being Doctor in the first and last. He liv'd Temp. *H. 3.* and as some say was Lord Chief Justice of *England*. He died about the Year, 1249.

(2) Lib. 1. Cap. 8. Num. 4.

(3) Who lived in the fourteenth Century, and was one of the most eminent Lawyers of his Time.

(1) *Septem-*

As the Empire of the *Greeks* was by the *Turks* overthrown, and reduc'd to nothing, even so was the Empire of the *West* by the Cunning

and Ambition of the *Roman* Bishops rent asunder and weaken'd; the former Greatness whereof, the very Ruins do now scarcely declare: However, its Majesty is still by the Seven Princes Electors (by the *Germans* call'd *Corverstein*, and which are now Nine in Number) to the Ornament of the Christian World upheld and maintain'd. The *Septemvirate* (1) of *Germany*, the Emperor *Otbo* (2) the 3d, and Pope *Gregory* (3) the 5th ordain'd in the Year 960; to whom afterwards the Emperor *Charles* the 4th engag'd the Revenues of the Empire (having promis'd to every one of the Electors 10000 Crowns) that he would appoint *Wenceslaus* (4) his Son Heir of the Empire; but the Money being not paid, it came to pass that the Patrimony of the *Roman* Common-wealth, which was appointed to the Use and Maintenance of the Wars (and for that only Cause subject to Alienation) was privately distributed and divided amongst them, to every one of them a Part, whereby the Power of the Empire was afterwards almost brought to nothing; the Seven Princes Electors of *Germany* keeping all to themselves, and compelling the Emperors by Oath not to revoke the Lands and Pawns before engag'd.

And

(1) *Septem-*

(1) *Septemvirate*.] For a Light into this Matter, take what follows out of *Selden's* Titles of Honour, and *Moll's* Geography. (*Selden* saith) For that Title of Elector, which is in the Three Arch-Bishops of *Mentz*, *Triers*, (call'd by the *French Treves*) and *Cologn*; and in the King of *Bohemia*, the *Pfaltzgrave* of the *Rhine*, the Duke of *Saxe*, and the Marquess of *Brandenburgh*; the Nature of it is well enough known out of the Election of the Emperor, and especially from the Golden Bull of *Charles* the 4th. The Original of it hath been variously deliver'd; some attributing it to Pope *Gregory* the 5th, and *Otho* the 3d; others to *Gregory* the 10th. And the Discourses of it in *Baronius*, *Scardius*, *Knichen*, *Onuphrius*, *Goldastus*, *Birrus*, *Cubachius*, and others of less Name, are obvious enough; neither will I here dispute it after them; nor if I should, could I make a better Conclusion than some Lawyers of the Empire, that esteem all such Opinions, as place the Original of the Princes Electors in this or that particular Time, to be grounded only upon meer Conjectures, without warrant enough to make a clear Inference; and that the Truth is, there is no kind of other Certainty of it than thus, that by a tacit Consent of the States, and of the Empire (since it came into *Germany*) this *Septemviral* Election hath been receiv'd, and that so the Dignity of Electorship hath been settled by the same Consent upon those Three Ecclesiastical and Four Secular Princes. But when or at what Time this was first so receiv'd is not deliver'd in any Testimony that is certain enough to decide the Controversy. (Thus far *Selden. Tit. Hon. Part the Second, Chap. the First, Pag. 360, Sect. 54.*)

Now for *Moll's* Relation; he saith, at what Time, or by what Means these Princes first obtain'd the Electoral Power, is not certainly known. The common Opinion is (which 'tis not amiss, I have chim'd in with in the Text) that the Emperor *Otho* the 3d, and Pope *Gregory* the 5th instituted them. But this is disputed, and many Learned Men are of Opinion, that tho' it be true, that from the Time of *Otho*, the Empire was Elective, yet that the Elections were not made by these seven Princes only, but by the great Officers of the Empire in general; of whom these being the Chief, and most considerable by their

Estates, made a shift to over-top the rest, and assume that Power wholly to themselves ; this is dated from the Time of *Frederick* the 2d, and *Conrad* the 4th ; at the Death of the last of which, several Elections were made at the same Time, and the Affairs of *Germany* put into great Disorder thereby. But these Princes having Power enough to repeal this Act, made it a Custom ; which was at last past into a Law by the Emperor *Charles* the 4th, who made that famous *Bulla Aurea* (so call'd from the Golden Seal affix'd to it.) That contains in Thirty Chapters the Form of the Election, and Power of the Electors. It is call'd also *Caroline*, on *Charles* the 4th's Account. The Number of these Electors were then but Seven, to whom an Eighth was added in this Age on the following Occasion : *Frederick* the 5th, Count *Palatine*, falling into Difference with the Emperor, and accepting of the Crown of *Bohemia* in Opposition to the Pretension of *Ferdinand* the 2d, was by him proscrib'd, and being defeated at the Battle of *Prague* in the Year 1620, was depriv'd of his Country and Honours, which the Emperor bestow'd upon the Duke of *Bavaria* : But great Contests and Wars ensuing thereupon, it was at last agreed in the *Westphalian* Treaty *A. D.* 1648, that the Count *Palatine* should be restor'd to his Electoral Dignity. But because the Duke of *Bavaria* could not be brought to part with his, an eighth Electorate was erected for him, and Part of his Country, viz. The Lower *Palatinate* being restor'd, he has since had the Title of Elector *Palatine* of the *Rhine*, and the eighth Seat in the Electoral College. To this Number there has been yet another added very lately, viz. in the Year 1693, and by the Emperor's Favour conferr'd on *Ernestus Augustus*, Duke of *Brunswick-Lunenburgh-Hanover* (which Dignity and Power are now possess'd by our only Rightful and Lawful Sovereign King *George*, whom God long preserve, and whose Royal Family I heartily wish may Reign Kings and Queens of these Realms till Time shall be no more) so that now the Electoral Princes are Nine in Number, and stand thus, viz. 1st, The Arch-Bishop of *Mentz*. 2d, Of *Triers*. 3d, Of *Cologne*. 4th, The K. of *Bohemia*. 5th, The Duke of *Bavaria*. 6th, The D. of *Saxony*. 7th, The Marquess of *Brandenburgh*. 8th, The Count *Palatine* of the *Rhine*. 9th, The Duke of *Brunswick*.

Brunswick-Lunenburgh-Hanover, now his Present most Sacred Majesty King *George*. These Princes have much greater Authority, and enjoy larger Privileges and Rights than the other Princes of *Germany*. Thus (I hope) from *Selden* and *Moll* the *Septemvirate* of *Germany* is fully explain'd to the Satisfaction of the Curious Reader.

(2) *Otho*] Surnam'd the Red, and Wonder of the World.

(3) *Gregory*] A *German*, was made Pope by the Authority of the Emperor *Otho* the 3d, but upon that Emperor's Return into *Germany*, the Clergy and People of *Rome* depos'd this Pope, and set up *John* the 18th or 17th. Hereupon *Gregory* went and complain'd to the Emperor, who being exceedingly incens'd against the *Romans*, came against them with an Army, took the City of *Rome*, seiz'd Pope *John*, and caus'd his Eyes to be pluck'd out, whereof he died. This *John*, having had a great deal of Money, brib'd the People of *Rome* to make him Pope; upon which Occasion *Mantuan* (Lib. 3. *Calamitatum*) says thus,

*Pernices mercantur equos; Venalia Roma
Templa, Sacerdotes, Altaria, Sacra, Corona,
Ignes, Thura, Preces, Calum est Venale, Deusq;*

which is as much as to say that every Thing is to be sold at *Rome* whether Sacred or Prophane, and even God himself. *Platina* call this Pope *John* a Thief, who dying after the Manner before related, *Gregory* the 5th became Pope again. He died in the Year 998, or as others say, 997. It may here be observ'd, that the aforesaid Pope *John* the 18th is by some not reckon'd among the Popes.

(4) *Wenceslaus*] *Venceslas* or *Venceslaus*, the 4th Emperor and King of *Bohemia*, was Son to *Charles* the 4th, who willing to have him enjoy the Crown, after his own Death, motion'd it to the Electors, and had him crown'd King of the *Romans*, by promising each the Payment of 100000 Crowns; so *Venceslas* succeeded his Father in 1378; but being by his Negligence in Business, and the many Vices he was addicted to, thought unworthy of the

Place, he was depriv'd thereof, and *Frederick* Duke of *Brunswick*, and afterwards *Robert* chosen in his Place. In the mean time *Venceslaus* withdrew to *Prague*, where he continu'd his idle and debauch'd Life until he died of a Palsie in 1419.

(1) The

And Kings, to whom it was a pleasant Thing to be deliver'd from another Man's Power and Command, erected to themselves Monarchies; but they who in the second Place, next to the King and King's Son, are, according to the Form of the Emperor's Army, call'd Dukes, The Title of an Arch-Duke (1) is but one, solely and peculiarly belonging to the House of *Austria* (2), devis'd by the Emperor *Frederick* (3) to grace his Nephew *Philip* withal, when he was to marry *Joan*, the Heir of *Spain*.

The

(1) The Title of Arch-Duke is in those of *Austria*, the Syllable Arch being but the same, that is in Arch-Bishop; tho' it denote in Arch-Duke an Excellency or Pre-eminence only, not a Superiority or any Power over other Dukes, as in Arch-Bishop it doth over other Bishops. That of Arch in *Archiatus* in the old Empire is a juster Example of it. When it began to be fixt in the Duke of *Austria*, is uncertain. In the Acts of the General Council of *Constance* (Tom. 2. Concil. Part. 2. Pag. 861, and 909) held in 1414, the Title of *Dux Austria* is frequent, but not *Archi-Dux*. Neither doth D. *Albert* style himself otherwise in his Letters to the Council of *Basil*, (Tom. 4. Concil. Part. 1. Pag. 235. *Dux item Austria dictus Maximilianus, Anno 1480, in instrumento illo quod ad Nuptias,*

Nuptias, inter Philippum Cadrelesij Comitem, Filium ejusdem Maximiliani, & Annam Edwardi quarti Regis Anglia Filiam, Contrahendas Spectabat; neq; alibi eodem ævo, ut videre est in Rot. Franc. 20. Ed. 4. Membr. 8. and) about 20 Years after. But some refer the Original of it to *Albert* (eldest Son of the Emperor *Rodolph* the 1st) whom, they say, his Father created into that Title at *Norimbergh* in 1284. Others fetch it from the Time of *Frederick* the 3d. And some will have the Title of Arch-Duke there as antient as the Title of Duke, and that *Henry* being created by *Frederick* the 1st, besides the extraordinary Privileges and Charters of Dignity then settled in him, was honour'd also, tho' not in the Present by express Words, yet in the Title that was publickly given him, with the Name of Arch-Duke; and that it hath thence continu'd. So *Cuspinian. est* (saith he) *a Frederico Imperatore Magnis Libertatibus, Immunitatibus ac Privilegijs supra alios Principes Imperij donatus, quæ extant ac circumferuntur, insignitus præcipue pileo Ducali crinito qualis fuit apud Romanos Corona Rostrata; tum veste principali, qui quidem Habitus Regius est, & inde Archidux dictus est*: That *Pileus Ducalis Crinitus*, of which he speaks, is the *Pileus Ducalis circumdatus serto pinnito* in Patent; and no other than a kind of a radiant or pointed Crown, whereunto afterwards these Arch-Dukes had a Privilege to add a Cross: So I understand that in the Charter of Liberties granted to *Frederick* Duke of *Austria*, by the Emperor *Frederick* the 2d, in 1294. *Concedimus* (says the Emperor *Cuspinian. Austr. Pag. 34.*) *Nostro illustri Principi Duci Austria Crucem nostri Diadematis, suo Principali Pileo sufferendam.* But in the Charters of the Emperors, the Title of Arch-Duke occur'd not, as expressly given to those of *Austria*, for many Years after the Creation of the first Duke there, as especially we see in that (*Petrus de Vineis. Lib. 6. Epist. 26*) by which Duke *Frederick* was created into the Title of King by the Emperor *Frederick* the 2d. Nevertheless, the Title of Arch-Duke (as communicable to those who were the more eminent Dukes of the Empire) is antienter in the Empire, than the Title of Duke is in *Austria*. That we see expressly in that Charter of the Creation of the first Duke of *Austria*, where *Archiduces Palatini*, for the Chief Dukes

of

of the Court are remembred, and divers Ages before. *Witichind*, King of *Saxony*, being Conquer'd by *Charles* the Great, was call'd Arch-Duke of *Saxony*, if my Author (*Besold. Politic. discurs. 4. Cap. 3. Sect. 7.*) deceive not. *Bruno* also being Arch-bishop of *Cologne*, was made Duke of *Lorrain* by his Brother *Otho* the Great, and wrote himself Arch-Duke, where the Name of Arch-Duke is observ'd to have been first us'd, but so that none of his Successors in *Lorrain* imitated him. *Non ante ea vox aut Dignitas* (saith *Lipsius Lovan. lib. 1. cap. 9.*) *nec in Lotharingia quidem post illum habuit.* And he gives his Fancy, both whence this *Bruno* us'd it, and whence *Austria* might take it. *Opinor solo Archiepiscopi nomine motum* (so are his Words) *et visum ei decorum illud Archi etiam in duces transferre. Exemplum quidem (quod sciam) ante non fuit, et illi Austrie diu post usurparunt, mirum ni isto praeunte. Etsi fortasse alia etiam causa aut jus; nam et insignia Lotharingia iidem Austriaci gerunt.* Some also tell us of a Custom in Germany, *ut cum Filij appellentur Duces, eorum tamen Primogenitus frater appellatur et vocetur Archidux;* and this is affirm'd for a Truth, by *Knichen* Chancellor of the Dutchy of *Saxony*. But in others (*Besold. Polit. Discurs. 4. Cap. 3. Sect. 7.*) of the Empire, I read that the Emperors have denied this Title to all (tho' some have importun'd them for it) saving to those of *Austria*.

But also the Title of Arch-Duke was once in the Kingdom of *Naples*; for *Charles* the VIIIth of *France*, being King of *Naples*, created *Gilbert* of *Bourbon*, Count of *Montpensier* and his Lieutenant-General of the Kingdom, into the Title of Arch-Duke of *Sessa*, who to distinguish his Dignity, from a Prince as above it, and a Duke as beneath it, put over his Arms, on a Ducal Cap, the whole form of a Prince's Crown, excepted only that the Points of it were not Pearl'd (*Seld. Tit. Hon. Part 2d. Chap. 1st. Page 299, 300, 301, 391, 392.*) The Privileges of an Arch-Duke among others are, *viz.* that he receives his Investiture from the Emperour, or his Ambassadors, with the Ceremony of the Sword, within his own Territories: He receives it sitting on Horseback, cloath'd in a Royal Mantle, having a leading Staff or Truncheon in his Hand, and a Ducal Crown upon his Head. He is by Birth Chief

Chief of the Emperor's Council, and cannot be Proscrib'd or Banish'd. All Attempts against his Person are punish'd with the Penalties of High Treason; and, he administers Justice within his own Territories without Appeal, by virtue of a Privilege granted by *Charles the Vth.*

As in *Germany* the Dukes of *Austria* are especially Eminent by the Title of Arch-Duke, so in *Italy* are those of *Florence*, by that of Great Duke, or *Gran Duca*, or *Magnus Etruria Dux*. But this began in *Cosmo di Medicis*, Duke of *Florence*, who was Created into it in the Year 1559, by the Bull of *Pius Quintus*, when he would have made him a King, but that the Emperor *Maximilian the First* (*Bodin. de Rep. lib. 1. cap. 9.*) allow'd that Name to none in *Italy* besides himself. The Bull of Creation was sent to the Duke of *Florence* by *Signior Michaelle Bonello*. The Name of Great Duke, or *Wielkie Ksiazę*, is also us'd by the King of *Poland*, in his Stile of some of his Dutchies, and not from any particular Institution. Nor was it by Creation, that the Title of Great Duke was given to those of *Burgundy* and *Silesia* antiently; yet in the States of the Empire, before *Goldastus's* Constitutions, and elsewhere, they are reckon'd by that Name, together with *Magnus Dux Lithuania*. This Quality of Great Duke is given also to the Princes of *Muscovy*, who antiently us'd no other Title than *Weliki Knesi*, that is, in the *Russian* Language, Great Dukes, tho' of latter times they have had the Title of Emperor, or *Czar* (in imitation of *Cesar* in the Western Empire, whereof *Czar* is a Contraction) which *Basilus*, who was Duke about 1520, first assum'd to himself; yet this Title he us'd not to all Princes. In his Letters to the Emperor, the Pope, the Kings of *Swethland* and *Denmark*, the Governors of *Prussia* and *Livonia*, and to the Great Turk he us'd it, but not to the *Polonian*. Because (as my Author says, *Sigismund. Com. Rer. Muscovitic, and Gagu. Muscovit. cap. 5*) neither of those Princes would endure any new Title in each others Letters, altho' this *Basilus's* Son, *John Basiliowick* in his Letters to the King of *Poland*, call'd himself *Czar*, i. e. Emperor or King, but he was never re-Saluted by the *Polack* by other Name than Great Duke, as *Gaguin* tells us. At this Day his Successors use the Name of Emperor, or *Imperator totius Russia*, or *Magnus Dominus* (Possessin
in

in *Moscovia* pag. 281, Edit. in 8vo. 1687. The Russian Common-Wealth, pag. 19. Londini 1591) Czar atq; *Magnus Dux totius Russiae*, &c. or *Dei Gratia Imperator et Magnus Dux totius Russiae atq; universorum Tartaria Regnorum, aliorumq; plurimorum Dominiorum Monarchie Muscovitica Dominus et Rex*, as I read in Letters of safe Conduet (Dat. 28. Decemb. 1605) given by the last *Demetrius*, who Subscrib'd himself *Demetrius Imperator*. Other Princes give this Emperor sometimes the same Title (*Lit. Reg. Elizabeth ap Hackluet.* part 1. pag. 339) but the neighbouring Princes stile him usually but Great Duke (*Seld. Tit. Hon.* part 2. chap 1. pag. 301, 306, 310, 311, Sect. 31. part 1. chap. 2. pag. 19. Sect 5.) So that the Title of Great Duke is due and given only to those two Christian Princes, of *Tuscany* and *Muscovy*, and to none other in the whole Christian World besides.

(2) The Circle of *Austria* is seated between *Bohemia* and *Moravia* on the North; the Dominions of the Republick of *Venice* on the South, *Hungary* on the East, and *Bavaria* on the West, and comprehends the Estates of the Family of *Austria*, viz. *Austria*, *Stiria*, *Carinthia*, *Carniola*, *Gilley*, *Gorts* and *Tyrol*, and the Bishopricks of *Trent* and *Brixon*. The Extent of the whole is about 300 Miles from East to West, 200 from North to South. *Austria*, which is Dignify'd with the Title of an Arch-Dutchy lies on both sides the River *Danube* for about 60 or 70 Miles from North to South, and 160 from East to West; so that the River *Danube* cuts it into 2 Parts, the Upper and Lower: It was the *Pannonia Superior* of the Antients; and its present Name of *Oostrick* or Eastern Kingdom, in Latin *Austria*, was given by the *Franks*, because of its East Scituation from *France*. This Province, after the *Romans* time, was Part of the Kingdom of the *Boiarij*, or *Bavarians*, afterwards Erected into a separate Marquisate by the Emperor *Otho* the First, and the *Austrian* Family growing Powerful, it was Honour'd with the Title of Arch-Dutchy. *Verstegan*, amongst the Terminations of the Surnames of our antient *English* Families, placeth that of *Stoch*, denoting the Stock or Trunk of some Tree, whereby the Residence of *Rostock*, *Holstock*, rightly *Hollstock*, was Named, and consequently themselves. *Stoch* is in the Teutonic also

also understood for a Staff, and it is said to be the proper and antient Sirname of the Great and Imperial House of *Austria*, in Memory whereof it beareth two ragged Staves cross'd Saltire-wise, as belonging to the Arms thereof.

(3) *Frederick*] *Barbarossa*, in 1136. This Word being Compos'd of *Fred* and *Ryc*, is rightly Interpreted, Rich Peace, or Rich in Peace, and perhaps most properly meant in the Peace or Contentment of the Mind. (*Verstegan.*)

Our Word *Fred*, *Frede*, or *Vred*, for all is one, being long since left, we use instead thereof our borrow'd *French* Word Peace, which the *French* take from the Latin Word *Pax*. *Ryc*, is a Country or Province, under one absolute Command or Jurisdiction, we now by adding *b* to it, pronounce *Ryche*; and so of *Rycman*, have made *Rychman*. (*Id.*)

(1) *Vayvode*.]

The Name of a *Vayvode* or *Weywood* (1) is a Title of Dignity only in *Walachia* (2) *Moldavia* (3), and *Transilvania* (4) in *Hungary*; whereof the two first pay the Grand Signior Tribute; and so also is the *Doge* (5) of *Venice*, a Title only to the Head of that Republick, who is call'd Duke besides.

And

(1) *Vayvode*.] Take here what *Selden* says of a *Vayvode* in the Empire and *Poland*. The Title of *Varvod*, reckoned also among the Dignities of the Empire, is but rare in regard of other Titles. In the Ranks of the Empire, publish'd by *Goldastus*, the *Varvoda Walachia*, et *Varvoda Moldavia* are remembred with this Note on them: *Sunt* (saith he, Corp. Memb. Imperij Germ. in prim. Tom. Constit. page 18) *inter Principes imperij allekti, sed sub Patrocinio Principis*

cipis Transilvania, a quo eximuntur; quanquam id in presentia Supradicti Principis (he means *Sagismund* Prince of *Transilvania*, who is call'd sometimes *Vaivod* also) *me rogante, illustrissimus Dominus Caspar Vaivoda Walachia negaverit; asserens principatui Valachia esse eadam jura ab Imperatore concessa, quoad Suffragia et Dignitates consequendas, qua ipsi Serenissimo Transilvano.* But for the Title of *Vaivod* more anon, where we speak of the Dignities of *Poland*, where also of the Title of *Despot*, taken by the *Vaivod* of *Moldavia*, instead of which the Name of Prince generally is us'd also. Thus much of a *Vaivod*, as of a Prince of the Empire (*Tit. Hon.* part 2. chap. 1. page 352, 353. Sect. 50.) According also to the Fashion of the Empire, the giving of some Feudal Dignities occurs in the Memory of *Poland*. The Examples, I meet with, are of the Title of Duke, and of *Vaivod*. An Example of a Feudal *Vaivod* (or *Woiewoda*, as they call it; and *Woiewodowie* in the Plural) is in that of King *Kazimir* the III'd's Infeudation of *Moldavia* to *Stephen*, *Vaivod* of *Moldavia*, in September 1485. This was not the first Creation of the Title of *Vaivod*, in this *Stephen*, but only an Investiture or solemn Livery, whereby *Moldavia* was thus receiv'd as a Fief from the King of *Poland*. It was after a Treaty on both Sides, wherein the *Vaivod* (being otherwise under the Empire) agreed, both to put himself into the Protection of the Crown of *Poland*, and also to receive his Territory and Dignity from the King as a Fief.

But for this Title of *Vaivod*, it is a Name in those Parts that denotes as much literally as Captain, or *Militia prefectus*, and in *Moldavia*, at that time, was this Feudal, however in the latter times the *Vaivod* there hath taken the Name of *Despot* or Prince, as supposing (say some) that of *Vaivod*, as it is us'd in the Neighbouring Kingdoms, of itself to denote too much Subjection. And indeed in *Poland*, and the Great Dutchie of *Leitow*, and elsewhere in the Members of that Kingdom, there are many known also by the Name of *Vaivods*, which are all Officiary only, and for Life, and have Commands in the several Territories committed to them, somewhat like the Lords Lieutenants of Shires, in *England*, and have their *Castellans*, like Deputy Lieutenants under them, in all Places

Places except *Cracow*, where the *Vaivod* is under the *Castellan*, as for a perpetual Memory of the dishonourable Flight of the *Vaivod* of *Cracow*, under King *Boleslaw Krziwousti*, from a *Russian* Ambush. But these *Vaivods* in *Poland*, are not at all Feudal, nor to be reckon'd among Titles of Honour, but of Office. And so it is very ancient in those Parts, and attributed (*Gaguin. circa init. Chron. Polon.*) to the time of near 1000 Years past. The latter *Greeks* made into their Language the Name *Βοιβόδο* from it, to denote a *Vaivod*; so we see in that of *Constantinus Porphyrogenitus*, where he speaks of the *Vaivod* of *Chazaria*. He says (*de administrando Rom. Imp. Cap. 38*) that the first Governor or Prince there was call'd a *Βοιβόδο* which questionless he means for *Vaivod*. But the Historians and Lawyers of *Poland*, that express themselves in *Latin*, usually call a *Vaivod*, *Palatinus*, which doth not at all literally Translate it, but Use hath made those 2 Words there to be now Equivalent: And this Feudal *Vaivod* also of *Moldavia* is call'd *Palatinus* every where, in relation of the Ceremony of his receiving Investiture (*Tit. Hon. part 2. chap. 2. page 384, 386. Sect. 2, 3.*) This was also the Name given to Governors of Provinces, when they were under the King of *Hungary*. The Dukes or Governors of Provinces in *Poland*, and the particular Governors of Towns under a *Bassa* in the *Turkish* Empire, are called *Vayvodes*; wherefore the Princes of *Walachia*, *Moldavia*, and *Transilvania*, chuse rather the Title of *Despot*, signifying Lord, than that of *Vaivodes* (*Collier's Great Hist. &c. Dict.*)

(2) *Walachia*.] This Country, which is extended in a triangular Form, between the *Danube* on the South, *Hungary* on the West, *Transilvania* on the North West, and *Moldavia* on the East; about 130 Miles in breadth, and near 200 Miles in length; is Govern'd by a *Weywood*, Elected or Approved by the Grand Signior. He is stil'd *Hospodar*, i. e. Chief General of the Militia, and pays a Tribute to the *Turks* of 70000 Ducats *per Annum*, and yet is at all Expence in the Government and Defence of his Country. The Christian Religion, according to the Greek Church, is profess'd in *Walachia*, and the Patriarch of *Constantinople* is their Metropolitane. The Inhabitants

tants fancy themselves to be the true Offspring of the *Romans*, and their Assertion seem to be confirm'd by the Idioms of their Language, which in many Words and Phrases, comes nearer the antient *Latin*, than the Modern *Italians* do, altho' it is now so corrupted with the *Russian*, *Sclavonian* and *Turkish*, that it hardly deserves any of that Character.

In the Government, the *Weywood* always exercis'd a Sovereign Authority, and as long as the Kingdom of *Hungary* stood, was wont to put himself under the Protection of that Monarch. In 1391 the *Turks* Invaded this Province, and in 1415 compell'd the People, that had gallantly Defended themselves in several Rencounters, to submit to the *Ottoman* Yoke, which the *Weywood* attempted to throw off 10 Years after; but being soon reduc'd to Extremity, was again oblig'd to Swear Allegiance to the Grand Signior, and promise to assist the *Turkish* Forces in all their Expeditions against the Christians. And tho' in 1595, *Sagismund Bathar*, Prince of *Transilvania*, was able to secure this, as well as his own Principality, from the accusom'd Bondage, yet the Inhabitants were not able long to maintain their Liberty, but have since contentedly paid their Tribute, without attempting another Revolt.

(3) *Moldavia*.] Which has its Modern Name from the Chief River *Moldavo*, which waters it, lies on the North East of *Walachia*, bounded on the North by the River *Neister* or *Turla*, which divides it from the *Ukrain*, on the South with *Walachia* and the *Danube*, on the East with *Bessarabia*, and on the West by *Transilvania*; its Extent is much greater than *Walachia*, being 240 Miles from North to South, and 150 from East to West. *Moldavia* was first made Tributary to the *Turks* by *Mahomet* the Great, but under the small Tribute of 2000 Crowns per Annum; afterwards *Bogdamus*, *Weywood* thereof, A. 1585, fearing to become absolute Vassal to the *Turk*, being assisted by *Poland*, took up Arms against *Solymus* the II^d, by whom being drawn out of his Country, *John*, a *Moldavian* Born, but one who had Embrac'd the *Mahometan* Religion, was prefer'd by *Solymus* to that Principality; but as soon as he was in it, he return'd to his former

mer Religion, which made the *Turk* set upon him too, and *John* losing his Life in the Quarrel, the Province fell to the Power of the *Turks* in 1574, who appointed the *Weywood*, and imposed an Annual Tribute, which at that time Amounted to 80000 Dollars; but now it is reduc'd to 66000 Dollars in Money, near 40000 pound of Wax, as much Honey, and a vast Quantity of Tallow for the *Arsenal*. But besides the Annual Tribute, there was so many accidental Expences, Pretensions, and Arts of the *Turks* to squeeze Money out of this Oppress'd People, as did sometimes double the Charge of their Yearly Tribute; to which may be added the Price paid to the Grand Signior and Others for the Principality, which amounts to 110000 Dollars. In 1686 the *Polanders* over-ran this Country, took the Chief Cities, and oblig'd the Inhabitants to put themselves under the Protection of the Empire: But at the Treaty of *Carlowitz*, it was agreed, that the *Poles* should retire and leave this Principality in its former State, and accordingly it is still Tributary to the *Turks*. (*Sir. Paul Ricaut's Present State of the Ottoman Empire.*)

(4) *Transilvania*] Call'd *Erdely* by the *Hungarians*, and *Siebenburgen* by the *Germans*, derives both its *Latin* and *Hungarian* Names from Woods and Forests, with which it is encompass'd almost on all Sides; but the High *Dutch* Denomination hath a different Original of much later Date, taken from 7 Chief Towns in this Principality, and alluding to the Manner of Living of the Antient *Pannonians*, who having fix'd their Tents in those Parts, for the more ready Suppressing of any Insurrection, that might be rais'd against them by the Natives, were wont to keep in distinct Bodies, and accordingly divided themselves into 7 Bands or Regiments, every one of which contain'd 2857 Able Soldiers. Thus being Encamp'd in several Quarters of *Transilvania*, they made Entrenchments round about, and for their better Security built a Fortrefs or Castle at every Camp, which first occasion'd the Alteration of the Name of this Country; *Siebenburgen*, in the *German* Tongue signifying 7 Forts or Towns. It was added to the *Roman* Empire under the Name of *Dacia*, by the Emperor *Trajan*, and contain'd in Compass about 1000 *Italian* Miles, according to the Report of *Eutropius* and

and *Jornandes*; but at present nothing more is comprehended under the Name of *Transilvania*, than only a Part of the Old *Walachia* proper, and Part of *Hungary* on the *East* by *Moldavia*, and Part of the same *Walachia*, and on the *West* by Upper *Hungary*. Its Extent from *North* to *South* consisting of about 50 Leagues, and 68 from *East* to *West*. The Principality of *Transilvania* is Inhabited by 3 sorts of People, that have different Laws and Customs, viz. The *Ciculi* or *Siculi*, the *Saxons* and the *Hungarians*. Of these, the first lay Claim to the greatest Antiquity, and are still Govern'd by their old Laws and Constitutions, being really a Branch of the Antient *Scythians*, who were driven out of *Pannonia*, by *Attila* and his *Huns*. They divide themselves into 7 Cantons, every one of which is Absolute within itself, tho' all of them are united with the *Transilvanians*, and one with another for the Defence of their Country against the common Enemy. As for the *Saxons* (according to the Opinion of *Toppeltine*) they are the true Relicks of the Antient *Daci*, calling themselves even at this Day *Decen*, *Desen*, *Deischen*, which is an easy corruption of the *Daci* or *Deci*. The German Writers, especially those of the best Repute, acknowledge the whole German Nation (and consequently their *Saxons*) to be the Offspring of the Antient *Transilvanians*; but whencesoever their Original is deriv'd, they are certainly near a-kin to the Inhabitants of the Lower *Saxony*, and use the same Dialect, altho' the Corruption of their Tongue, by a Mixture with the *Hungarians*, renders the High *Dutch* more difficult to be understood among them. Those *Saxons* possess the Province call'd the *Towns*; the *Siculi* dwell on the Banks of the River *Marisk*, and the *Hungarians* possess the Frontiers of *Walachia*: The 2 latter are for the most part *Calvinists*, and the *Saxons* almost generally Embrace the Doctrine of *Luther*; but none will allow any Pictures or Images to be set up in their Churches: There are also among them some *Papists*, *Greeks*, *Anabaptists*, &c. tho' their Party is not so considerable. However these 3 distinct Nations are Govern'd by one Sovereign styl'd the *Weywood*, whom the Grand Signior often caus'd to be Elected and Depos'd at his Pleasure. But the Power of the *Turks* is now expell'd. The 2 Noble Families of *Bathori* and *Ragotski* have supplied this Country

Country with many Princes, who were oblig'd to send a certain Tribute to the Port, until *Michael Abafi*, the 23d Prince from *John Huniades*, who succeeded *John Kermant* in 1661, with the Consent of the States of *Transylvania*, resign'd the whole Country to the Emperor of *Germany* and King of *Hungary* for ever, as it appears from the Act bearing Date at *Hermanstadt*, May 9th, 1688. Afterwards the said Prince dying in 1690, the States, in a General Assembly resolv'd to adhere to the Interest of the Emperor, and the young Prince, Son to the Deceas'd, who was confirm'd by his Imperial Majesty, against all the Pretensions of Count *Teckelej* and the *Ottoman* Port.

Thus the Principality of *Transylvania* remains entirely Incorporated with the Crown of *Hungary* under the Imperial Protection. And the first Article of the Treaty of Peace between the Emperor and the *Turk*, at *Carlowitz*, declares, that *Transylvania* shall remain entire to his Imperial Majesty, with the Antient Limits as before the War. (*Moll's Geography*.)

(5) *Doge*] Signifies Duke; formerly he was almost Absolute, but now can do nothing, nor go out of *Venice* without Leave of the Senate; so he is for the Republick, and not that for him; yet he has many Privileges, and being Elected, enjoyeth his Dignity for Life. He presides at all the Councils, is call'd Most Serene, and hath all the Marks, tho' not the Power of a King; and nothing is more Pompous than the *Doge* and Senators in their Robes of State.

(1) *Graf*.]

And as in Wars, Counts or Earls were assign'd to Dukes, so our Counts now at this Day are thought next in Dignity to follow the Dukes.

For a Marquess at this Day is nothing else in its own proper Signification, than a Count

upon the Frontiers or Borders, which in the *German* Tongue is more Significantly call'd a *Martgrave*, with whom a Count is call'd *Graf* (1); Hence come those honourable Names of the *Pfaltgrave* (2), *Landgrave* (3), *Martgrave* (4), *Rbeingrave* (5), and *Burghgrave* (6), i. e. the Count *Palatine*, the Count of the Province, the Count of the Borders, the Count of *Rheine*, the Count of the Castle or Garrison; and yet in some Places, according to the different Customs thereof, *Marquesses* are prefer'd and go before Counts or Earls.

The Beginning of a Viscount, the very Etymology of the Name itself hath taught us.

Barons are also every where according to the Dignity of their Degree, Power and Gravity, accounted Honourable. *France* hath also only four Secular, Great, and Principal Lords, whom they call *Vidames* (7), viz. *Chartres*, *Chalons*, *Amiens*, and *Gerbery*. So hath it pleased Men, according to the Custom of Places, to give old Names to new Forms of Honours and Dignities. But nothing is every where, and in all Places so sincerely observ'd and kept, as is that old and general Division of People into Noble and Ignoble, with a certain Difference of those two Sorts among themselves also.

For

For such as with easy Exercifes get their Livings, fuch as excel in the Knowledge of Martial Affairs, in Learning, Wealth, or Vertue; thefe Men, in thefe times, are as it were the Seminaries of Nobility (as were in antient time the Gentlemen, whom they call'd *Equites* amongft the *Romans*, the Nursery of the Senators.) Many Noble and Famous Gentlemen have alfo from Lawyers and Merchants defcended: And altho' fome of the Vulgar and Common Sort of People be amongft them of better Account and Reputation than others of themfelves, yet in refpect of the Nobility, they are altogether Bafe and Ignoble. As for all Freeborn Men, who are not of the Vulgar Sort, they are indifferently and equally Noble, according to the *French* Proverb, *Je fuis Gentilhomme, comme le Roy*, I am a Gentleman as well as the King; *Il Foy de Gentilhomme*, The Faith of a Gentleman.

Yet it is to be known, that Antiquity and high Functions have their Eftimation, as well in Political Nobility as in other things; and hereof (as it feemeth to me) are thofe Distinctions of Nobility, Nominate and Innominate, or of the greater and leffer Nobility, as fome others wou'd have it: And Nominate, or nam'd

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Nobility, I call that which is by Hereditary Succession, grac'd with Titles and Fees. As a King taketh his Denomination of his Kingdom, a Duke of his Dukedom, an Earl of his Earldom, and a Baron of his Barony; who may also be call'd *Majores Nobiles*, or the greater Nobility, tho' not altogether so properly, in-as-much as that Distinction of Nobility, indifferently Comprehendeth all sorts of Noblemen, and the higher Magistracies (bestow'd upon Men for Term of Life only, or during the Prince's Pleasure.) The rest of the Nobility, under the degree of Barons, may be call'd *Nobiles innominati*, or un-nam'd Noblemen; or *Minores Nobiles*, *i. e.* the lesser Nobility.

And yet there are some of them who seem to have nam'd Nobility, tho' not to be plac'd in the same Rank and Order, such as Knights and Esquires; but because the Titles of Knighthood, and of Esquires are not Hereditary, they are reckon'd among the lesser Nobility.

The

(1) *Graf.*] *Grafio*, *Graphio*, *Gravio*. A Grave, as in *Landgrave*, a Magistrate, a Judge, an Advocate. *Nec Principes nec Grafio hanc lenitatem prefatam mutare audeat. Carta Kenulphi Regis Merciorum apud Mon. Angl. Tit. 1. pag. 100. (Cowel's Interpr.)*

As

As the Title of Duke, so that of Count, or *Comes*, or *Grave*, or *Grafte* (as it is varied in the *Dutch* Dialects) hath been joyn'd also with *Fiefs* or Territories in the Empire, and that from the Examples us'd in the *French*, *Italian* and *German* Kingdoms, before *Charles* the Great, as is before shewed. And the Title of Count or *Grave* is also variously otherwise now us'd in the Empire, than with relation only to *Feuds*.

Of those therefore that are Counts there, for Method's sake, I first make (I mean of such as are immediate to the Emperor) 6 Kinds. 1. Such as are call'd Counts or *Graves*, without any other ordinary Note or Addition, in expressing the Name of their Dignity, than the Place which is their County or *Graffschaft*, unless you call it an Addition to their Dignity, in that they are styl'd sometimes *Schlecktgraven*, or simple Counts or the like. 2. Counts *Palatin*, which are also anon duely Subdivided. 3. Counts of the Empire, without relation to any *Feud*. 4. Counts of Frontiers, or *Marchgraves*, or *Marquesses*. 5. Counts of Provinces or *Landgraves*. And, 6. Counts of Cities or Eminent Towns, or *Burghgraves*. *Heregrave* also, or *Comes Militaris*, and some such other have been in use there, which we omit. As we do also in this Place the Office of *Freygrave* (*vide Frigraviatum concessum a Ruperto Imper. Goldast. Constit. Tom. 1. pag. 386.*) and such like; and all relation, that any of these which make the parts of our Division, have to the particular Title of Prince, seem perhaps justly to challenge a Place of a Member in the Division of their Counts; yet we have rather left it to another Division concerning most of their Titles, which we shall make anon, where we speak of their Title of *Furst*, or Prince in the Empire. Therefore here of those 6 Kinds only. And,

First of Counts or *Graves*, without any other ordinary Addition than of their Territories, as *Grafte von Eissenburgh*, *von Ortenburgh*, and the like. They are sometimes call'd *Graphiones* in the old Writers, and their Territories (and Dignities also in the Abstract) *Comitatus*, *Comitia*, & *Comitiani*. The Creation and Investiture of Counts or *Graves*, having Territories or *Graffschaffts*, was antiently as of Dukes, &c. But in later time it hath varied, and sometimes it is by Charter, and sometime by Word only,

as it seems by that of *Charles* the Vth, his Creation of *Adrian de Croy*, Lord of *Rhodo*, into the Title of Count of *Rhodo*.

Of this kind of Counts or *Graves*, there were heretofore (according to that Distinction, in most other Orders of the Empire, by the several Numbers of 4 for the most Eminent) 4 *Graves* or Counts, or the 4 *Graves* of the Holy Roman Empire, or the 4 simple *Graves*, viz. the *Grave* of *Cleve*; 2d, of *Schwartzzenburgh*; 3d, of *Giley*; and 4th of *Savoy*. But these of *Cleve* and *Savoy* being since rais'd into Dukes, and the *Graves* of *Giley* being extinct about 170 Years past, the Count of *Schwartzzenburgh*, in *Thuringia*, only remains of them, and to this Day styles himself of the 4 *Graves* of the Empire, *Grave* of *Schwartzzenburg*. But there are also some Counts that have no Investiture into any *Graffschafft* or County, and yet are call'd *Graves* or Counts of some Castles or small Territories, which they Possess, and are, (as it is conceiv'd by Great Lawyers) of the Posterity of some such as were Counts of the old Empire, in the time before that *Feuds* were annex't to this Dignity, and so thence retain the Name still of Count joyn'd with their Castle or Territory. And of these they remember especially the *Graves* of *Ottingen*, and of *Zollem*. These, in regard of their Denomination or Title, tho' not of their Nature or Investiture, are to be reckon'd with the Counts here of the first Kind. To these belongs that Example (which I confess is singular to me, for I have not observ'd the like of it) of the *Graffs-Chafft* of *Cambray*, given in 1007, to *Earlwin*, Bishop of *Cambray*, and his Successors, by the Emperor *St. Henry* the II; so that he might there *Eligere Comitum*, and enjoy also the *Graffs-Chafft*. For a time the Bishops appointed a Count under them for Government, which I think is the same with *Castellanus Civitatis* in *Baldricus*. I see also *Comitatum* granted to some Monasteries, by which, whether the Title of Count was ever enjoy'd I know not; But afterwards the Bishops of *Cambray* kept and us'd the Title of Count there themselves, as appears by that Title of *Comes Cameracensis*, which the Creation of the Bishop into the Title of Duke of *Cambray* setteth forth before you. (*Seld. Tit. Hon.* part 2. chap. 1. pag. 311, 312, 313. Sect. 32.)

(2) *Pfaltzgrave.*]

(2) *Pfaltzgrave*] I cannot quote a more judicious Author in these Matters than *Selden*, and therefore I give you what he says of *Counts Palatin*, and first of the Original of the Title of *Palatin*, as it is *Feudal*. *Counts Palatin*, or *Pfaltzgraves*, or *Comites Palatini*, or *Palantini* (as they are sometimes call'd) are such Counts, as have in their Title a special Eminence of their Dignity from a Relation (as their Name denotes) to the Emperor's Court or Palace; for *Palatin*, or *Palatinus*, is but the Possessive of *Palatium*, and signifies as much as the Words, Of the Household with us, when we say, the Officers of the Household. But this Title is Two-fold; either originally *Feudal*, and annex'd to the Name of some Territory or *Graffschafft*, with such *Jura Imperij* & *Majestatis* as other ordinary Princes have not, as we see in the Title especially of the *Count Palatin* of the *Rhine*; or meerly Personal, without the Addition of any particular Territory proper to him that hath the Dignity.

For those of the first Kind: As the Original and Nature of other *Feudal* Dignities are best discover'd by the Deduction of their Names to the *Fiefs* with which they are joyn'd, so also will the Original and Nature of this be. And tho' the two Kinds of Counts *Palatin* agree in Name, yet both in Nature and Original they altogether differ. And the Title or Name only of the first is to be deduc'd out of the Custom and Stile of the old *French* State, as from its first Original, tho' yet the Nature of it were more antient, and that in the *Roman* Empire, under the Name of *Præfectus Prætorio*, as is presently shew'd. But both the Title, and Name, and Nature also of the 2d Kind are originally to be had from the Examples of the old *Roman* Empire.--- Touching the first, in the more antient Times (and that also before the Beginning of the *French* Empire) there was in the Court of the Kings of *France*, a great Officer known by the Name of *Comes Palatii*, or *Count Palatin*, or of the Palace, or Master of the Household, that had a Vicegerency under the King, in like sort as the *Præfecti Prætorio* in the elder Empire, the old Chief Justice of *England* under the King's of *England*, or in like Proportion to the King, as the Chancellors, or Vicars General, of Bishops are to the Bishops, *i. e.* they had

had the Exercise of Supream Jurisdiction (for, and in the Name of the King) in all Causes that came to the King's immediate Audience. Whence the Name of *Comes*, joyn'd with *Palatij*, came to Note this great Officer, may be easily understood out of what is already said, touching the various Use of that Word *Comes* in the old Empire, whose Language and Customs were exceedingly dispers'd over *Europe* before the Translation to *France*. This officary Title being thus antiently us'd in the *French* State, continu'd there afterwards also in the Empire translated thither.

And, as the ordinary Title of *Comes* alone, joyn'd (as is before shew'd) with any Province, made that kind of *Count*, or *Grave*, whose Title consists only in the Name of *Grave*, or *Count*, with the Addition of his County or *Graffschafft*, so this Title of *Comes Palatij*, or *Comes Palatinus*, annex'd to a Province (not so much by expresse Name, as by Gift of like Jurisdiction or Power in the Province, as the *Count Palatin* in the Court had) was the Original of *Counts Palatin* of Provinces. And so the Reason why the Name of *Palatin* (which by the Force of the Word seems to denote them only, as if they were a Part of the Household) was so joyn'd with the Province, is plain enough; for whereas other ordinary *Counts* had only ordinary Power and Jurisdiction given them, as such as was subordinate to the *Counts Palatin*, that in the Emperor's Court exercis'd Supream Jurisdiction in the Emperor's Name: These *Counts*, that had Territories given them with a Jurisdiction of equal Nature to that of the *Counts Palatin* in the Court, were as Supream in their Provinces, as the *Counts Palatins* were in the Court, and had all Royalties, or *jura Imperij*, which thus fix'd upon them the Title of *Count Palatin*, that so it became to signify in a Province no otherwise than it did at Court; as if the Emperor should have said in the Creation or Gift of the Province, that together with the Province the Person honour'd should have, or might use the Title of *Count Palatin*, because in the Province he should not be as an ordinary Count, but equal and alike in Power and Dignity to the *Counts Palatin*, that were his immediate and supream Lieutenants in his Palace: And the very like Form also we see in the elder Empire in the Officiary Dignities of the

the *Præfetti Prætorio*; for it is plain that the Name of *Præfectus Prætorio* signifies but as the Master of the Household, or indeed expressly, as *Comes Palatij* in the Sense that the French had it; *Prætorium* and *Palatium* being, especially in the middle Times, meerly Synonymys. And not only in Signification, but in Nature also, the *Comes Palatij* and *Præfectus Prætorio* very much agree together, For the *Præfectus Prætorio* was in the Household the like to Lieutenants to the old Emperors, as the *Comes Palatij* in the French State. Now we see, that in the Officiary Dignities of *Præfectus Prætorio*, *Orientis*, *Illyrici*, *Italia*, and *Galliarum*, the very Name of the Household was transferr'd from the Household to the several Provinces, to denote that they who bore those Offices (being as Vice-Roys in their Provinces) should have like Power, Jurisdiction, and Dignity, in their Provinces, as if by that Name of *Præfetti Prætorio*, they had always liv'd with the Emperor in the Court. And indeed in the Roman Empire, there was nothing so much the same, or so near to the Officiary Dignity of *Comes Palatij* in the French Empire, as that of *Præfectus Prætorio*: However, some very learned Men suppose, that from the *Cura Palatij*, or *Curo Palates* in the Roman Empire, and the very Name of *Comes Palatij* also then us'd, the Original and Nature of the present Title of this kind of Feudal Count Palatin is to be deduc'd.--- It is true, that the *Cura Palatij* (as it is call'd in the Code) or *Curo Palates*, was antiently of great Eminency in the Household, and that, whether you respect it as it was given to him that was Captain of the Emperor's Guard, or to the Master of the Works of the Palace. But it is as certain, that neither of them, that had the Name of *Curo Palates*, had any Jurisdiction or Power beyond the Household. And for the Name of *Comes Palatij* in the Roman Empire, it is true, that in some Editions of the Code there is a Title *De Officio Comitum Sacri Palatij* (Cod. Lib. 1. Tit. 34.) and in all, another *De Comitibus & Archiatris Sacri Palatij*. But neither of these can give any Proof, that the Name or Nature of this first Kind of Count Palatin hath any other Original, than from that most different Use of the Name of *Comes Palatij* in the French State. For that first Title, *De Officio Comitum Sacri Imperij*, altho' it be in the later Editions, yet the elder

elder have it not ; but in them the two Laws, that are under it, are continu'd with the rest that preceed under the Title *de Officio Comitum Rerum privatarum*, as the Matter of them indeed persuades also that they might well be. And some great Lawyers also (especially *Cujacius*) not without great Reason, make the Title there *de Officio Comitum sacri Patrimonij*, and not *Palatij*. But however, there is nothing at all in the Laws under that Title, that can by any Construction concern any such Power or Jurisdiction, as was in the *Comes Palatij* of the French Empire. Nor doth the *Comes Palatij* there (if it should be there) denote any such thing. And for that other Title *de Comitibus & Archiatris Sacri Palatij*, it hath only Reference to that Personal Dignity of Count which was bestow'd on them that liv'd in Court with the Emperor, or to the old *Comitiva vacans* (whence the 2d sort of Counts *Palatini* are anon justly deduc'd) and not to any that had such Eminency in Power or Jurisdiction above others as the *Comes Palatij*, (whence we here derive the Count *Palatini* of our first Kind) had in the French State both before and after the Empire came to the French, and not otherwise than as the *Praefectus Praetorio* had in the Roman Empire.

Now *Selden* goes on to the Feudal Title of *Palatin* in the French and German Empires. This Title or Power (saith he) which made the Title of Count *Palatin* being annex'd to Fiefs or Territories, first in the French, and then in the German Empires, made those Feudal Dignities of Count *Palatin*, and those Counties *Palatin* or *Pfaltzgraven* and *Pfaltzgraftschafften* in the Empire. The French that live about *Blayz* in *Xantogne* say, That the famous *Rowland* (slain in the Battle of *Ronciwallis*) was a Count *Palatin* of their Territory under *Charles the Great* : And in Germany the Title hath been in those of *Habsburg* *Tubing*, *Witelspach*, *Schiern*, *Ortenberg*, and other more; so in the old Laws of the Dutchy of Saxony; *Qualibet Provincia Teutonica Terre suum habebat Palantzgravionatum, Saxonia, Bavaria, Franconia & Suevia, quae antequam a Romanis superabantur, Regna fuerunt.* And in some Lists of the Princes of the Empire, there are Four *Archiepiscopi Palatini* mention'd, *Rheni, Saxonia, Francia*, (it seems it should be *Franconia*) *Hungaria*; so that altho' the Count *Palatini* of the Rhine, or the *Pfaltzgravenbey*
Rhine

Rhine have long been so singularly eminent Princes by this Title of *Count Palatin*, that commonly no other Place is understood by the general Name of the *Palatinate*, but only their Territories; yet also the Dominions of some other Princes of the Empire have had the same Name attributed to them, *i. e.* of some such Princes, as have had the Power of *Counts Palatin* in their Territories, and that also altho' their Title be not *Counts*, but *Dukes*. Thence is it that *Saxony* (for the Purpose) is a *Pfaltzgraffschafft* or *Palatinate*. For in that Territory, the Duke of *Saxony* hath the Sovereignty of a *Count Palatin*, but is not styl'd so because of his Title of *Duke*, which is rarely joyn'd with *Palatinus*. Indeed in that Charter of the Duke of *Austria*, *Archiduces Palatini* are mention'd, and as it seems, denote those *Great Dukes* of the Empire, that had the Rights of a *Count Palatin*; in which Sense also perhaps we have *ἡγεμόνες Παλατινοί*, or *Duces Palatinos*. But to this Purpose, That of the *Golden Bull* of *Charles* the 4th is observable, where, as the Right belonging to *Pfaltzgrave* or *Count Palatin* of the *Rhine* in the Vacancy of the Empire, *ratione Principatus seu Comitatus Palatini*, *i. e.* the Exercise of all Jurisdiction (as in lieu of the Emperor) is recogniz'd to him in the Territories of the *Rhine*, *Suevia*, and *Franconia*, so are the very same to the Duke of *Saxony*, *in illis locis ubi Saxonica jura servantur*, as the Words are; the particular Creation of any into this Title as *Feudal* in the Empire, I have not seen; nor do I think that the Title was expressly given to many that have it; if to any, only thus; by reason of the supereminent Jurisdiction and Power (such as in the *Counts Palatine* of the *Rhine*, and other the greatest Princes of the Empire, above that which was in common *Graves*, or ordinary *Counts* of Provinces) and such as was the same in the Territory with that of the Officiary *Comes Palatii*; in the Emperor's Court, this Name I conceive, was by some assum'd, and so attributed to them (if they were Counts) or at least the Territories only call'd *Pfaltzgraffschafften* or *Palatinates*, if they were Dukes, as also it hath been in *France*, *England*, and else-where, as is hereafter shew'd. But also divers other *Counts* (as well as the first *Otho*, *Count Palatin* of *Wittenfpach*) that have by Degrees gain'd to themselves equal Power in their Territories, so that of the

the old *Comes Palatij* at Court, have not us'd the Name of *Count Palatin*, because doubtless such an Innovation would have been with much more Envy, than the Glory of the Title would have recompenc'd, and more properly also, it should belong to them that have such Power and Jurisdiction from the first Creation of their *Feudal* Dignities.

Of the Count *Palatin* of the *Rhine* in its proper Place; now of a Personal Count *Palatin*.

The other Kinds of Counts *Palatin* (that have no Relation to any *Fief* or *Feud*) are they, whose Honour and Title consist only in the Personal Dignity of being Counts *Palatin*, or *Sacri Palatij Comites* generally. For altho' divers of them have also Privileges of Power or Jurisdiction added to their Dignities, yet those Privileges are various according to the Will of him that creates them, and are meerly accidental to their Title. This Personal Title is born as acquir'd by two Ways; the one is the Publick Profession or Reading of the Imperial Laws by the space of 20 Years together, and also as some take it of the Canon Laws. The other by Letters Patents, or Bulls. The Title of those, which are created by Letters Patents under the Emperor's or Pope's Seal, we subdivide into Two Kinds; the One is singular, and we find it in one Family only, as both Honorary and Officiary; the Other is given to many, and is only Honorary: That which we call Singular and Officiary, as well as Honorary here, is that Special Title of *Comes Palatij*; *Lateranensis* is charg'd with the Attendance and Service to be perform'd in the same Palace at the Emperor's Coronation at *Rome*. It was thus given by the Emperor *Lewis* of *Baviere* to *Caltrucio Antelminellis* Duke of *Luca*, and to his Heirs Males in 1328, about a Month after that he was created Duke.

For those other created into this Personal Title of Count *Palatin*; the Nature and Circumstance of their Dignity will best appear, 1st, Out of the Power that makes them. 2dly, The Style that is given them. 3dly, The Estates limited to them. 4thly, The chiefest Privileges that are usually, but very variously inserted into their Patents: 5thly, The Exercise of those Privileges with something of the Estimation had of them.

(1) The Power that makes them is Originally in the Emperor, but is exercis'd also by the Pope, altho' some Lawyers of the Empire that are not Pontifical, quarrel at him for it; and leave it doubtful also whether the Emperess, King of the Romans, other Kings, or the Princes Electors may of themselves confer this Dignity; of that I dispute not; but for the Pope's exercising the Creation of this Title, besides the Arbitrary Power us'd by him in creating singular Persons into it by several Bulls, and that Power also acknowledg'd in the Trent-Council; that of the Referendaries who are as Presidents of his two Signatures of Grace and Justice, are most observable. Those Referendaries were instituted by *Alexander* the 6th, and by a Bull of *Paul* the 3d, were every of them together thus created Counts *Palatin* (*vid.* Bull.) And *Clement* the 8th, and *Paul* the 5th in their Bulls of Privilege to their Conclavists, as they call them, (or those which were in the Conclave, when they were chosen Popes) make them all *Sacri Palatij & Aula Lateranensis Comites*.

(2ly) The Style wherein the Dignity of these Personal Counts *Palatin* is express'd, is indifferently, *Comes Aula Cesarea*; *Comes Curia Cesarea*; *Comes Palatij Sacri*; *Comes Palatinus*; *Comes consistorij Imperialis*; or *Comes Sacri Lateranensis Palatij*, when it is created by the Emperors: But if by the Pope, *Comes Lateranensis Palatij*, most usually. And altho' the Emperors long since left their Residence in the *Lateran*, yet the Name of that Palace is of such Eminence still in the Empire, that commonly in the Creations of these Counts *Palatin* they retain a Reference to it as much as the Pope doth. But altho' they be call'd *Comites Palatini* in *Latin*, yet the *Dutch*, that express them in the Language of the *German* Empire, so distinguish them, that are created by the Emperors, that they call them not (as I think) *Pfaltzgraven*, which is for the most Part proper to the *Feudal Counts Palatin*, but *Desbieligen Romischen Reicks Hoffgraven*, or Counts of the House of the Holy Roman Empire, as if by using the Word *House* or *Hoffe*, they would purposely decline the Name of *Pfaltz* for some Distinction's sake in the mention of them.

(3ly) For

(3ly) For the Estates limited in the Grant of this Title; they are (besides those for Life) sometimes to the Issues of the Patentees, and sometimes also to the Successors. *John de Amatis* was made a *Count Palatin* by the Emperor *Charles* the 4th, and the Title extended to all *ex eo legitime descendentes*. So the *Counts* of *Thorn* and *Vallesassin* write themselves *Cesarei Comites Palatini Hereditarij*. Other such Examples are of Creation of these Kind of *Counts*, altho' it be not very frequent that the Dignity extends beyond the Person first created. And as thus to Heirs, so also to Successors it is sometimes given; as in that of *Maximilian* the 2d his Creation of *Henry Julius* the first Rector of the University of *Helmeftadt*, and his Successors into the Title of *Count Palatin*.

(4ly) The chiefest Power and Privileges inserted in their Patents are various, and for the most Part such as are a Kind of voluntary Jurisdiction; and sometimes they have something also of the Contentions or Compulsory; for the Purpose; the Power of making the Bastards (of all that are beneath Barons) legitimate is frequently given them, as it occurs in the Charter of the Emperor *Rodulph* the 2d, to *Nicholaus Rensnerus*, by which he created him into this Dignity, and granted that he might *natos illegitime legitimare*, &c. The Power also of making Doctors, as well in Divinity, as Law, Physick, and Philosophy, is sometimes added in their Patents, as in that to *Rensnerus*; but with this Condition, *adhibitis in cujuslibet Doctoris Creatione Doctoribus eximijis de professione creandi ad minus tribus, qui Doctorandum examini subjiciant*: So the Right of conferring other Degrees in Learning, and especially also the making of *Poets Laureat* is often among the Privileges of these *Counts Palatin*. The Discharge also of Taxes is sometimes inserted, and Power of making Publick Notaries and Ordinary Judges often; sometimes also the appointing of Tutors or Guardians to Infants, Adoptions, Manumissions, making of Knights, giving of Arms, granting of Pardons, and such more. But the Privileges of these *Counts* are restrain'd by the *Bulls* of *Pius* the 4th, and 5th.

(5ly) An

(5) An Example, with which they begin the Exercise of their Privileges, is in an Instrument of a Doctorship in Phylosophy and Physick, given under Seal by *Hieronymo Botis* a Doctor of the Arts, Physick and Divinity, and a *Count Palatin* created by the Pope, to one that was first examin'd upon several Questions both in Physick and Philosophy, by two Doctors of both Faculties, and thence reported to be sufficient; The Course also us'd by *Counts Palatin* in giving the Crown of Laurel to *Poets* is seen especially in that of *Joannes Crusius* his receiving it at *Strasbourg* in *Ann.* 1616, from the Hands of *Thomas Obrechtus* a Professor of Law, and a *Count Palatin*, whose Patent from the Emperor is before inserted.

This Form of creating Publick Notaries appears in that of *Count Joannes Jacobus Canis*. - - -

But however this Personal Dignity of *Count Palatin* be allotted in the Empire, and in the Territory of the See of *Rome*, yet the Estimation of it hath been various. The Learned *Pierre Pithon* says, That it was never receiv'd, or acknowledg'd in *France* to be any Lawful Dignity, altho' the Emperor or Pope created them in their own Territories. And in the Parliament of *Tholouse* in 1462, *John de Navarre* a *Count Palatin* made by the Pope, was censur'd for granting Legitimations, and making Notaries, in *France* by Colour of his *Bull* of Creation; and his Act were declar'd meerly void. And a great Lawyer of this Age in the Empire (having himself been created a *Count Palatin* at *Ratisbon* by *Rodulph* the 2d in 1594) makes this Personal Title of *Count Palatin* less than the Dignity of any other *Count* or *Grave* whatsoever.

Next follows the Reasons of the several Deductions made of *Count Palatin*; and why the *Feudal* Title is deriv'd out of the *French* Empire, and the Personal out of the old Empire of *Rome*.

The Original and Nature (saith *Selden*) of both the *Feudal* and *Personal* Title of *Counts Palatin* being thus open'd; it rests now that it be further clear'd, as is before promis'd, why the same Title (in a general Expression) should be deduc'd to those *Palatins* that are *Feudal*, and the greatest only out of the *French*, and yet those that are Personal, and so far beneath them out of the old *Roman* Empire.

Empire. For that Point, we must observe, that in the *French* Empire, and also long after the *German* Empire, that Personal Title of Count *Palatin* (as it now expresses any Kind of the Personal *Palatins* of the present Time) was not in any Use. At least no Testimony any where shews it to have been in Use. But during the Continuance of the *French* Empire, and afterwards also, until the Time of *Frederick Barbarossa*, the Title of Count *Palatin*, or *Comes Palatij* in the Empire, denoted only either the Official Dignity known by that Name in the Emperor's Household (as is before shew'd) or else the Supereminency of those Counts, that had like Power in their Provinces, as the Counts *Palatin* had in the Household, and thence had the Name also of Counts *Palatin* fixt on them; neither was there any of those old Laws of the *Roman* Empire, that speak of *Comites Palatij*, either practis'd or read in the *French* Empire, as neither was any Part of the Body of the old Imperial Civil Laws, in those Times, besides the Feudal Laws. But the Capitulars of *Charles* the Great, and other Emperor's in the *French* Empire, of some Kings of the *Lombards* in *Italy*, and other such in *France* were (with local Customs) the only Laws studied, and by which all in those States, was, during those Ages, regulated. And in all those Laws or Customs, there was never found any such Title as this of the Personal Counts *Palatin*, who by Vertue of that Name alone, without Special Grant, never so much as pretended to any Kind of Jurisdiction, so that there being in all that Time, but only that Notion of Count *Palatin*, which design'd one of such a supereminent Jurisdiction, either in the Emperor's Court, or in a County or Province; this, which is meerly Personal, and assum'd either by Professors of 20 Years, or given otherwise by Letters Patents, was not at all known in the Empire. But when, as (about 1150) the old Imperial Civil Laws were after so long an Intermision reduc'd into Study, the Professors of them finding in *Justinian's Code* the Honorary Title of *Comites* and the *Comitiva*, and such other meerly Personal Dignities of the elder Empire, and especially of the *Comites Palatij*; (all such of those elder Times of the *Roman* Empire, that had the meerly Honorary *Comitiva*, being also by reason of their Residence and Attendance at Court, truly *Palatini Comites* or Counts of

of the Household) persuaded, as I conceive the Emperors, that as they had reduc'd the Laws of the old Empire into Study and Use, so they should give this Honorary Title of Count *Palatin*, according as it appear'd in those Laws that the old Emperors had done. But because from the Custom deduc'd out of the *French* Empire, there was at that Time a far different Notion of *Comes Palatinus*, as it had Relation to the Exercise of Jurisdiction both in the Emperor's Court, and in Provinces held by Feudal Right; therefore in the Letters of Creation of this Personal Dignity, a plain Distinction was made from the Officiary or Feudal Count *Palatine*. This Dignity being only Personal, and not annex'd to any Territory, was therein clearly enough distinguished from that of others, which were either Feudal, or had their Titles with Relation to Feuds. And for a Distinction from the Officiary great Title of *Comes Palatij* that had its Original in the *French* State, they were, as to this Day they are, created *Comites Aula*, or *Palatij Lateranensis*, or the like, (as is before noted) to express the Meaning of the Letters of Creation to be, that they should have the Title as it was in the elder Empire under *Constantine*, when the *Palace* of *Lateran* was the Principal Palace of the Empire, (*Donat. Constantini*) and not as it was us'd in the Palaces of *Triers*, *Cologne*, or elsewhere in the old *French* Kingdom and Empire, where it denoted that great Officer, which was Lieutenant or Viceroy for Matter of Jurisdiction to the Emperor. And in like Sense are the Professors of 20 Years Counts *Palatin*, if at all they be so (which some great Lawyers deny) and not otherwise; as also they who are made by the Pope, or by any other, that herein exercise Authority deriv'd from the Emperor. - - - That of Count of the Empire, I find Personal also, as Personal is oppos'd to Feudal, tho' it be also Hereditary, we have a Special Example of it in *Rodulph* the 2d, his Creation of *Thomas Arundel* of *Wardour* in *Wiltshire*, afterward made Lord *Arundel* of *Wardour* by King *James*. The Patent is directed in these Words, *Illustri sincere nobis dilecto Thoma Arundelio nostro & sacri Romani Imperij Comiti gratiam nostram Cesaream & omne bonum*; and then, after Part of the Preamble which concerns the Advancement of Men of Merit, the Emperor, considering first the Dignity of his

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his Blood, goes on with *Insignes etiam virtutes quibus illustre Genus tuum, &c.* Sign'd

Rodulphus.

ad Mandatum Sac. Cas. Ma-
jestatis Proprium

Jo. Barvilius.

Hoc Titulo qui gaudent, (saith Learned Cambden) & hujus modi Privilegijs gaudere perhibentur, ut in Dietis Imperialibus sedem & Suffragium habeant, Prædia in Imperio comparent, Milites Volones conscribant, & judicio nisi in Camera Imperiali, non sistantur. (Annal. Eliz. R. sub An. 1596. Pag. 126. Ed. Londini; ubi plura de hoc Diplomate.) Seld. Tit. Hon. Part the 2d, Chap. 1st, Pag. 314, 315, 316, 317, and Part of 318, Part of 319 at bottom. 320, 321 in Part, 323 in Part, 325 in Part, 326, 327 in Part, 330 in Part, 331 in Part, 332 in Part, 333 in Part, 342 in Part, 343 in Part, 344 in Part, 345, 346 in Part, and 348 in Part. Sect. 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.

(3) *Landgrave.*] In those Titles of *Landgrave* and *Burggrave*, the like Addition of *Grave* and *Eurg*, as to *March* in *Marchgrave*. For *Landt* denotes but as much as *Provincia* or a Territory; and altho' as the Provinces of the other Feudal Graves be Lands or Territories, so they might also literally be call'd all *Landtgraves* or *Comites Provinciales* (for so is the significant Expression of *Landtgraves* in *Latin*) yet in regard of the large Extent of some Provinces or Territories, and of such Eminency, which from that extent the *Graves* of them had before others in the Inland Countries of the Empire; these *Graves* had at first, as a Note of Excellency, the Word *Landt* joyn'd with *Grave* in their common Appellation, as at this Day it remains most eminent in the *Landtgraves* of *Hessen*. As the Lord of *Verona*, or the Family *Delascala*, or the *Scaligers* of *Mirandula*, of *Padua*, and of *Milan*, had also the expresse Name of *Landtheren*, or *Dominus Provincialis*. And how great the Estimation of the Name was, may be seen also in that before cited out of *Rigordus*, touching *Otho* Count *Palatin* of *Willenspach*, where (if I apprehend the

the reading aright) the Title was conceiv'd by *Rigordus*, as Great as Count *Palatin*, and by a Mistaking also to signifie it.

There are 4 *Landtgraves* reckon'd (as 4 Dukes, 4 Marquesses, 4 Counts, and 4 of most other Dignities) for the chief of this Title in the Empire. The *Landtgrave* of *Thuringen*, *Hessen*, *Elfsatz* and *Luchtenburg*. This Title as distinguish'd from that of other *Graves* came first into Use it seems in the *German* Empire; and *Landtgravitatus Dignitas incognita videtur Longobardis*, saith *Kniichen* (*ad jus. Saxon. Cap. 4. Pag. 117.*) The most especial Creation, and the most antient together of the *Landtgrave*, that I remember, is that of *Lewis* the III^d. Count of *Thuringen*; he being by Inheritance Count there (the Counts from the first Institution having continually increas'd) was by the Emperor *Lothar*, his Father-in-Law, in 1126, created into the Title of *Landtgrave*. But also afterwards this Title was attributed to some of far less Dignity than these great *Landtgraves*. (*Tit. Hon. Part 2. Chap. 1. Pag. 351. Sect. 48.*)

(4) *Martgrave*] As the Counts or *Graves* of ordinary Provinces, were and are generally call'd Counts or *Graves* of this or that Province, so such of them as were employ'd in Government under the Emperor, in Provinces that were of the Frontiers of the Empire, had the Titles of *Marchio* and *Margravius* in *Latin*, and *Marchgrave* in *Dutch*, and in *Italian*, *Marchese*, whence also the latter *Greeks* have *Μαρκιαν* and *Μαρκσιον* for a *Marquess* and *Marchiones*; and the Counts of Frontiers were thus call'd, because those Frontiers were known by the Name of *Marken* or *Marks*, or Limits of the Empire, in the same Sense as in *England*, we say the *Marches*, with relation to *Scotland* or *Wales*. The Word *Mark* or *March* denoting a Limit, Bound or Frontier, both in the antient and later *Dutch*, or rather in the Language of those Nations, that over-ran the most part of Christendom, under the Names of *Vandals*, *Goths*, and such more, and mix'd themselves with the *Dutch*, and most other Nations of *Europe*. For the Ancient Use of *March* or *Mark* there is testimony in divers Passages that occur in the Laws of the *Alemans*, of those that inhabited *Baviere*, of the *Ripuarrians*, of the *Lombards*, and in di-

vers other parts of *Story*, that give us the same Notion of the Word *Marcha* (with the *Latin* termination) which is clearly the same with *March* or *Mark*; whence it is also that *Conmarchani* occurs for Neighbours bordering one on the other. And *Margus* (the same Word varied in termination) is us'd by *Sugerius* for *Normandy*, being the utmost *South-March* of *France*. So *Marca Hispanica*, *Marca Britannica*, and such more we meet with in the Elder times; and thence also *Marchiser* at this Day, in *French*, is to border or adjoin to; and the *Spaniards* say, *Lacividadofus Comarcas*, for the City, or its Skirts or Limits. And thus the Word hath, out of *Germany*, and those *Northern Nations*, spread itself into the rest of *Europe*. From *Mark* in this Sense, nothing was easier than to make *Marchiones*, or *Marchesi*, or *Marchiani* (as sometimes also they are call'd) in the *Latin* Termination, and *Marchgraves*, which literally denotes as much as *Comites Limitanei*, or *Duces Limitanei*, as *Comes* and *Dux* were in the Elder Ages oft-times indifferently us'd for the same Dignity. And from this Original, without Question, is the Title of *Marchgrave*, or *Marquess* to be deriv'd; however some would have it from *Mare* or *March*, as it antiently in *Gaulish*, or *Old Dutch*, signified an Horse; and others otherwise. But in the *Feuds*, *Qui de Marchia investitur Marchio dicitur, dicitur autem Marchia quia Marcha et ut plurimum juxta Mare sit posita*. Here so much as is spoken of *Marchio* with relation to *Marcha* is true: But if the Author in that of *ut plurimum juxta Mare*, &c. meant, that the Word *Mare* had any Place in the Original of *March* or *Marquess*, he was plainly deceiv'd. For altho' the *Marca Anconitana* and *Trevigiana*, in *Italy*, as also the *Marquisat* of the Holy Empire in *Brabant*, the *Marca Normannica*, and *Britannica* in *France*, be adjoyning to the Sea, yet those *Marquisats* of *Misnia*, *Lusatia*, *Brandeburgh*, *Moravia*, *Austria*, *Montferrat* and *Susa* in *Savoy* (being call'd so, because they were *Marce*, or *Marches* or Limits, and thence having *Marquesses*) are Inland Countries, and had the Name of *Marquess* or *Marquisat* fix'd on them in those elder Times, when *Marquesses* had their Titles, together with such Provinces as were Limits or Frontiers given them. The Original of the Name of this Title being open'd; the

first

first use of it also must be deduc'd out of the *French* Empire, unless we account the *Duces Limitanei*, and such *Counts* also as had Provinces, which were Frontiers, to have been *Marquesses* in the Old *Roman* Empire. Indeed those *Officiary* Dignities were but the same in Sense. But the Word *Marchio* occurs not in the Empire before *Charles* the Great. But altho' these times of the beginning of the *French* Empire had the Word or the Title so distinguish'd from *Dux* and *Comes*, in regard of the Frontiers, that were committed to him, that was call'd by it; yet, perhaps it was but *Officiary* only, at least, not *Feudal* as of latter times, until under the Emperor *Henry* the First; for before him I find not the making of any particular *Marquess*, whose *Marquisat* by that Name yet continues. He against the *Danes* made one in *Sleswick*; another against the *Vandals* in *Brandeburgh*; and another in *Missen*: But that *Marquisat* ended in the Death of the *Marquess*, that was then Created. For the *Danes*, after the Death of this Emperor *Henry*, soon Cut him off, together with his Forces that were there with him; since that time divers others have been made in the Empire. And some *Dukes* having Frontiers for their Provinces, have call'd themselves as well *Marquesses* as *Dukes*. *Lotharingie dux et Marchio* was often us'd, the Stile of the Antient *Dukes* of *Lorrain*. Sometimes *Comes et Marchio* is given to others in like Sense. Their Creation of *Marquesses* and their Investitures have been as of the other Dignities of *Duke* and *Count*. And sometimes they have been Created into the Titles of *Duke*, and their *Marquisats* made *Dutchies*, as we see in that of *Austria*. In the latter times, as of *Dukes* and *Coun's*, there are especially 4 more Eminent than the rest, so also of *Marquesses*; and they are call'd *dievier hohen Marggraffen*, and their Territories *dievier hohen Marggraffs-Chauffien*. They are those of *Brandeburg*, *Merbern* (or *Moravia*) *Meissen* and *Baden* (*Seld. Tit. Hn.* Part the 2d. Chap. 1st. Pag. 348, 349, 350. Sect. 47.

(5) *Rhin-grave*.] But at this Day, in the Empire, the Title of *Count Palatin*, with a *Palatinat* together remains most eminently in those of the *Rhine*, or the

----*Sacra comes Inclutus Aula,
Cujus erat tumido Tellus circumflua Rheno.*

As *Guntherus* describes *Hermannus Count Palatin* of the *Rhine*, under *Frederick Barbarossa*. The beginning of that Title appears not, nor before the *German Empire* doth any expresse mention of it occur, unless we could be persuaded that the Name of *Capellatium* or *Palas* in *Marcellinus* denoted it, as some wou'd have it, but without ground enough for their Conjecture. But touching both the singularity of it, and its particular Original, the Words of the Learned *Marquhardus Freherus*, a late Counsellor of State will give full Satisfaction, which I refer the Reader to. And as *Feudal Counts Palatin* were above all other *Counts*; so the *Palatines* of the *Rhine*, are ever above all other *Palatines*, as also appears by this one most super-eminent Jurisdiction belonging to them, that the Emperour himself might by the ancient Custom of the Empire be brought to answer before them. (*Seld. Tit. Hon. Part 2. Chap. 1. Pag. 318, 319. Sect. 35.*)

(6) The Title of *Burggrave*] denotes a *Grave* or *Count* of a *Castle* or *Fort*. *Burg* there signifying a *Castle*, *Fortress*, or the like; *Knichen* says that *Burggraviatus Eminentia*, or a *Burggraveschaft* had the Name from being *Praefectura Arcis ejusdem Imperij, ut sunt Praefecti Castellanei*. And *Matthias Stephani*, *Burggravi arcis Praesidijq; Praefecti*: So *Cujacius*, *Besoldus*, and others, whence the *Burggraves* are call'd also *Comites Castrenses*. The Four *Burggraveschafts* of the Empire are those of *Stromburg*, *Noremburg*, *Magdeburg*, and *Rheineck*, there being divers others also of less Note. This Title began (it seems) in the *German Empire*; for that of *Magdeburg*, altho' the Territory be annex'd to the *Bishoprick*, yet the Title remains with the *Dukes of Saxony*, to whom both Title and Territory were heretofore given by the Emperor *Rodolph the Ist*, who also annex't the *Burggraveschaft* of *Noremburg* to the *Graves von Zollern*, from whom it since deriv'd into the *Marquisate of Brandeburg*. And *Magna* (saith *Besoldus*) *hac olim Dignitas erat, adeo ut in Civilibus, etiam Marchionibus jus dicere possent, ni nos fallit Auctor des Sachsenspiegel,*

Sachsenspiegel, Part 3. Art. *ad finem*. In the *Sachsenspiegel* indeed we read, *Palatinus seu Palansgravius Imperatoris judex est, Burggravius vero id est, perpetuus Castellanus, judex Marchionis. Aliquando etiam* (saith *Besoldus*) *in Episcopatibus exercebant jurisdictionem; (unde Peucerus lib. 5. Chronic.) eos illarum Terrarum judices esse censet, quæ Imperatorum Donatione Ecclesijs accesserunt.* But in these 2 Titles *Landtgrave* and *Burggrave*, which are found only in the German Empire (where they had their Original) this is to be observ'd, that as it happens in some others also, they are not so restrain'd to singular Eminency, but that sometimes they occur communicated to Men of less Note, than such as are generally understood by them. For in some Memoirs of the Dutch, *Landtgraves* are mention'd that were but *Barons*, and *Burggraves* that were not above *Gentlemen*; but that proceeds from that various Use of such Words as make Titles of Honour. For sometimes they are us'd as Significant literally, and sometimes as only for denotation of particular Honour. Literally; as when *Landtgrave* is taken for any petty judge of any Province or Territory (for as *Comes*, so *Grave*, signifyed a Judge, and *Landt* literally denotes as well a small as a great Territory) and then it may be well enough applied to such an one, as an ordinary *Baron* is, that hath any Territory or Jurisdiction.--The like may be said of *Burgrave*. For regularly, as it is a Title of Honour, it denotes one that hath the Command of some Eminent Fort of the Empire; but literally it may also be us'd for him that hath a Command of any obscure or scarce esteem'd Fort, whence the Dignity yet cannot be gain'd, tho' the Word be but as the rest; so these of *Landtgrave* or *Burggrave* are and have been commonly Hereditary, especially from the beginning of the German Empire, and the Investitures of them are as of *Dukes*, *Counts*, and *Marquesses*. (*Seld. Tit. Hon. Part 2. Chap. 1. pag. 351, 352. Sect 49.*)

(7) *Vidames*.] Officers under the Bishops of France for the Administration of Justice, and Preserving the Rights of the Church. This Name comes from *vice dominus*, which signifies a Lord's Substitute or Deputy. 'Tis thought that these *Vidames* resembled the antient Oeconomy, whose

whose Business it was to take care of the Temporalities of the Bishopricks. In process of time these Offices became Hereditary, being made *Fees* held of their respective Bishops, from whose Sees they take their Titles.

Selden (whose Authority I'm resolv'd to make use of in Matters of this Nature, as often as occasion offers) gives us this Account of them.

As *Viscounts* (saith he) had their Original from being Subordinate to the Great Dukes or Counts of *France*, so the *Vidames* from being so to Bishops; and as the one, so the other, being at first merely Officer, became at length Feudal and Honourary. The Title of *Vidame* is but the *French* of the *Latin Vicedominus*, which was the proper Word for him that exercis'd Delegate Jurisdiction under a Bishop, as *Vice Comes* for one that did so under a Duke or Count; divers Passages of the Elder time make that clear. But the Viscounts and *Vidames* in the extent of their Offices (whence the *Feudal* and Honourary Titles are of both deriv'd) differ'd especially in 2 things; divers Counts were under one great Duke or Count, and the Place that denominat'd every of them, was that, where they resided: But a Bishop had but one *Vidame* for his whole Bishoprick; whence it is also, that wheresoever that the *Vidame* resided or had his *Fief* (after such time, as such Possession or Territory, as he had, became to be Settled on him, either by Gift or Permission as a *Fief*) his Denomination was from the Bishoprick only; as the Examples are in the *Vidames* of *Rhemes*, *Amiens*, *Chartres*, *Mans*, and other like.---The other special Difference is, that whereas the Officer Viscounts generally had the *Moyenne* Justice only, or that which is Civil Jurisdiction, or *Mixtum Imperium*, the Criminal, or the *Merum Imperium* or *la Hault Justice* (as they call it) being still reserv'd in the Hands of the Superiors, that made the Delegation to them; the *Vidames* or *Vice domini* had both *Merum* and *Mixtum Imperium*, or both Civil and Criminal, or *Hault Justice* in their Delegation to them, because their Superiors being Clergymen, could not by the Canons of the Church retain the exercise of the *Merum Imperium*, or such Criminal Jurisdiction, as inflicts either Capital Punishment, or any other by which Blood is lost. (*Tit. Hon.* Part 2. Chap. 3. Pag. 445, 446. Sect. 20.)

(1) *Addition.*

The

The *French* in the mean time, and we *English* also, do by more known Words better discern the greater Nobility from the lesser, but not without a certain Injury and Wrong done to the *Latin* Tongue, from which we derive our Nobility; for who knoweth not the *Latin* Word *Nobilis* indifferently comprehendeth all such as are above the Common and Vulgar sort of Men? which word is in *French* or *English* expounded Noble; by which the common Sort of *Englishmen* calleth or distinguisheth no Man under the Degree of a Baron.

The rest, under the Degree of Barons, are in *French* call'd *Gentilzhommes*, and in *English* Gentlemen; of whom such as are neither Knights nor Esquires, we call but only Gentlemen, without any Addition (1), and in *French* *Gentilzhommes Simples*, or plain Gentlemen; altho' perhaps some of these Men can shew more Arms of their Stock, and derive their Pedigree higher than some others of greater Dignity, or even the Emperor himself can.

Hence in Political Nobility simply understood, these plain-term'd Gentlemen are not inferior to Princes themselves, tho' in Honour and Dignity much; for the Titles of Kings, Dukes, Marquesses, Earls, and Barons are as it were the
Names

Names of most honourable Offices; and by reason of such Additions one becometh more Famous and Noble than another. Thus

(1) *Addition.*] *Addition* is both the *English* and *French* Word made of the *Latin*, and signifyeth in our common Law, a Title given to a Man besides his Christian-Name and Sur-Name, shewing his Estate, Degree, Mystery, Trade, Place of Dwelling, &c. As for Example, Additions of Estate are Yeoman, Gentleman, Esquire, and such like. Additions of Degree, are Names of Dignity, as Knight, Earl, Marquess, Duke. Additions of Mystery, are Scrivener, Painter, Mason, Carpenter, and all other of like Nature; for Mystery is the Craft or Occupation whereby a Man gets his Living. Addition of Towns, as *London, Kingston, Chester*, &c. and where a Man hath a Household in 2 Places, he shall be said to dwell in both of them, so that his Addition in either shall suffice. For the Use of these Additions in Original Writs, of Actions Personal, Appeals and Indictments, it is provided by the Statute, 1 *Hen. 5. Cap. 5.* that in Suits or Actions, where Process of Utlary lies, such Additions should be to the Name of the Defendant, to shew his Estate, Mystery and Place where he dwells; and that Writs, not having such Additions, shall abate, if the Defendant take Exception thereto, but not by the Office of the Court; and this was Ordain'd by that Statute, that one Man might not be vex'd or troubled by the Utlary of another, but that by reason of the certain Addition, every Person may be known, and bear his own Burthen. For more particular Additions of Town (See *Bro. Tit. Addition.* See also *Crompton's Just. of Peace*, Fo. 95, 96. *Co. par. Inst.* 595, 666. and *Stat. 27. Eliz. Cap. 7.*)

(1) The

Thus having spoken more at large and in general of these things relating to Nobility, I shall

shall now descend to the particular Degrees thereof with us.

Now as to the Division (1) of the Orders and Degrees of Men, which our *English* Common-wealth and Empire beareth, thay have admirably well set it down, who have divided the same into a King, Nobility of the Greater and Lesser Sort, Citizens, Men liberally brought up, and Labourers. But for as much as I have propos'd to speak only of the Degrees of Nobility, and that the Intention and Scope of this Work tendeth no farther. I shall take notice only of the Kings, and the Chief-nam'd Nobility, whom we call the Peers of the Kingdom, the Common-Fathers of the Common-wealth, and in short, by one Name, Great Estates or Noblemen. Yet

(1) The true Division of Persons is, that every Man is either of Nobility, that is a Lord of Parliament, of the Upper House; or under the Degree of Nobility, amongst the Commons, as Knights, Esquires, Citizens and Burgeses of the Lower House of Parliament, commonly call'd the House of Commons, and he that is not of the Nobility, is by intendment of Law among the Commons. (*Col. Inst* 1. lib. 1. Cap. 1. Sect. 9. *Tit. Fee-Simple.*) (1) *Britons*

Yet amongst so great Changes of things, and Inundations of Foreign Nations, wherewith this

this our Island, from the first Inhabiting thereof, hath been often trod under foot, and for a long time most grievously Afflicted; to write down such an exact Discourse, as to set down what were the Original, or first Titles of our Noblemen, with the Orders and Degrees of Honours, seemeth a thing most difficult and hard; of which Things (freely to Confess the Truth) being not well satisfied my self, I dare not, with two hasty Confidence, affirm much, especially seeing that here, as well as elsewhere, the Conquerors have all along principally endeavour'd, not so much to Oppress the People by them subdu'd, as to innovate their Customs, and change their Laws; Nature having so order'd it, that with the same Fate wherewith Monarchies and Kingdoms are overwhelm'd, even the Nations themselves, and Noble Families fall and come to Ruin also.

For first, the *Romans*, by Subduing the *Britons* (1), (the Natural Inhabitants of this Island) went about with their Legions to overthrow all things.

But the *Romans*, about 500 Years (more or less) being again Transported into *France* (2), the *Saxons* (3), or rather *English Saxons*, call'd in by the *Britons*, to their Aid and Relief, rais'd War

War against their Hosts, and thrust them quite out of their Antient Seats, and first of all others gave to the Kingdom the Name of *England* (4). These

(1) *Britons*, call'd by the Strangers, who came over into this Island upon the Score of Traffick, by one common Name of *Briths*, from the universal Custom among them of Painting their Naked Bodies, and small Shields with an Azure Blew, which by them was call'd *Brith*. *Gildas*, *Origen*, *Tertullian*, *St. Athanasius* (and several other Authors, whom I might quote) testify that they received the Christian Faith, when the Gospel was first Publish'd to the World, which was long before Proud *Austin* set foot in this Island. They were a Brave and Fierce People, till their Bodies were soften'd, and their Courages debas'd by the Luxury, as well as Servitude, which the *Romans* introduc'd among them.

(2) *France*, so call'd from the *Franks*, a People of *Germany*, who much about the time, that our *Saxon* Ancestors came into *Britain*, entred into *Gallia* under their Duke or King call'd *Faramond*, and the People *Francemen*, now of us *Frenchmen*, to whom the Antient *Gauls* were forc'd to give Place, and glad in the End to joyn in Amity with them; whereby, of two Nations, they became one, and do now remain, known to the World under the Name of *Frenchmen*. *France* is call'd by some *Francia Occidentalis*, with respect to *Franconia*, that part of *Germany* which the *Franks* Inhabit, call'd by the Name of *Francia Orientalis*. The *Franks* seem to have been so call'd, for having chofen in some sort to live in more Freedom and Liberty, than some other of the *Germans* did.

(3) *Saxons*; a People who had possessed themselves of all those Tracts of Land in *Germany*, that lie between the *Elve*, and the Lower *Rhine*, and extended their Seats all over the Coasts of the *North-West* Sea, from whence they exercis'd their Arms, and fierce Courages in all sorts of Spoils

Spoils and Pyracies; and according to Bishop *Stillingfleet's* Opinion (in his *Orig. Britan.* pag. 306.) had their Name from the *Sacks*, or short Swords, which were generally us'd among them; as the *Quirites* were so call'd from *Quiris*, a Sort of Spear; the *Scythians*, from their great Use of Shooting with a Bow (for Shooting in the *Teutonick* is call'd *Scieten*, and antiently cometh of the Verb *Scytan*, which signifieth to shoot): The *Picards*, or People of *Picardy*, from their great and most accustom'd Use of Pikes, and the *Galliglasses* in *Ireland*, from the Kind of Polax which they are wont to use, it being common for Men to be call'd (especially in War) after the Weapons which they bear.

(4) *England*] Call'd *Angle-land*, from the *Angles*, (who at the Invitation of the *Saxons*, already seated in, and fully possess'd of this Island, by the Success of their Arms against the *Brittons*, their new Hosts, swarm'd over from *Schonen* and *Futland* in vast Numbers, being indeed their own People, *Saxons*, but going under several Names, as they were of several Branches and came from several Coasts) and for easier Sound (the *English* loving Contraction) *England*. *Egbert*, King of the *West-Saxons* (*Angles*) was the first *English* Monarch, being crown'd King of *England* at *Winchester*, in the Year 819.

(1) *Danes*]

These People the *Danes* (1) also for a Space dispossest and turn'd out of the Kingdom; but at length, as soon as it began (as it were) again to breathe under *Edward* (2) the *Confessor* (a most holy King, and last of the *English-Saxon* Race) he forthwith dying without Issue, gave Occasion to the *Normans* (3) to pass over; who (*Harold* their Opposer being overcome, and the *English* put out of their antient Inhe-

Inheritance) began immediately to Assign the Lands and Grounds in every Place to their Companions and Fellow-Soldiers, and to introduce the *Norman* Customs and Fashions.

Many Things, for all that, are yet extant in the most antient Records, even in the Hepharchy of the *English-Saxon* Kings, concerning those Noblemen who were Rulers over the Counties of *Chester*, *Leicester* and *Lincoln*; who were indifferently also call'd Dukes and Counts of the *Mercians*. The *Danes* had also their *Heretoches* (4), and the Princes of their *Heretoches*. And *Edward*, the King and Confessor, yet reigning, even in the Time next to the coming in of the *Normans*, in the Charters and Monuments of Churches, there were to be found *Ethelings*, *Clytons*, *Patricij* (5) Consuls, Earles, Palatines (6), Dukes, Senators, *Stalbers*, *Thaynes*, *Theot-thayni*, Ministers (7), and Princes, but with great inconstancy of such their Names and Callings; for whom we shall read to be call'd Counts, we shall elsewhere find, even at one and the self-same time, to be call'd Dukes: But the Stile of *Clyto* at first signify'd the King's eldest Son, but afterwards it was a Title common to all those who were descended of the Royal Blood.

The

(1) *Danes*] Originally the *Cimbri* and *Teutones*, call'd also *Dani* and *Codani*, from whom (as *Cluverius* says) the Country of *Denmark* or *Danemark* derives its Name. The *Danes* were formerly very Powerful, and made an Inroad into *Italy*, with a Design to take *Rome*, but were beaten and routed by *Marius*, A. U. C. 640. They subdu'd *England*, and in 1013 were absolute Lords thereof, and frequently invaded *Scotland*. *Denmark* was formerly divided into *Futland*, the *Isles*, and *Schonen*, which latter being given to the *Swedes*, by the Treaty of *Copenhagen* in 1660, it hath little now but *Futland*, and the *Isles* lying Eastward of it, being divided into those two Parts by the *Baltick* Sea. The former is the antient *Chersonesus Cimbrica*, and is divided into North and South. The latter (the *Isles*) were antiently inhabited by the *Teutones*. The Boundaries of this Kingdom are the *German* Ocean on the North and West, the Middle *Fart-Sund*, commonly call'd the *Lesser Belt*, or the *Baltick*, on the East, and the River *Eyder*, which divides it from *Holstein* on the South. This Kingdom was always Elective, till the 23d of *October* 1660, when the Crown was made Hereditary, and the King Absolute. The *Danes* are almost of the same Temper with the *Swedes* and *German*s, love Hunting and Good Cheer, tho' they be good Husbands. Amongst them have been many learned Men who have writ excellently; as the *Bartholins* on Physick, and *Tycho Brache* on the Mathematicks. Some of their Authors (if we'll believe them) derive the Name of their Country, and Original of their Kings from *Dan*, the Son of *Jacob*, in a Lineal Succession. Their first Christian King was *Harold* the 6th, who began his Reign in 930. Those of Quality in *Denmark* take neither the Title of Marquess, Count, nor Baron.

(2) *Edward the Confessor*.] The *English* being happily deliver'd from the Power of the *Danes* (whose Line was now clean extinguish'd) and the late King, *Harde-Canute*, dying without Issue (as having never been marry'd) *Edward*, Half-Brother to the deceas'd *Harde-Canute*, and Son to the unfortunate *Ethelred* by his Wife Queen *Emma*, was, by the Interest of Earl *Godwin*, admitted
King

King of *England*, and crown'd at *Winchester* by the two Arch-Bishops, *Edsine* of *Canterbury*, and *Alfrick* of *York*, assisted with other Prelates, on *Easter-day*, which fell on the 3d of *April*, in the Year 1042, being then of the Age of 40 Years. He was born at *Istip* near *Oxford*, and after his Father's Death, for Safety sent into *France*, to the Duke of *Normandy* his Mother's Brother, from whence he now came to take upon him the Crown of *England*. The first Thing he did to gain the Peoples Love and Affection, was, the Remission of the yearly Tribute of 40000 Pounds, gather'd by the Name of *Dane-geld*, which had been impos'd by his Father, and lay heavy upon them for 40 Years together; and then from the divers Laws of the *Mercians*, *West-Saxons*, *Danes*, and *Northumbrians*, he selected the Best, and made of them One Body certain, and written in *Latin*, being in a great Degree the Fountain of those, which at this Day we term the *Common Law*, tho' the Forms of Pleading and Process therein were afterwards introduc'd by the *Normans*. He made of a little Monastery in the West of *London*, by the River of *Thames*, a most beautiful Church (call'd of the Place *Westminster*) where he provided for his Sepulchre, and another Dedicated to *St. Margaret*, standing without the Abby. That of *Westminster* he endow'd with many rich Revenues, and confirm'd his Charters under his Broad Seal, being the first of the Kings of *England* who us'd that large and stately Impression in their Charters and Patents. He Founded also the College of *St. Mary Ottery* in *Devonshire*, and gave unto it the Village of *Ottery*, and remov'd the Bishop's See from *Cridington* to *Exeter*, as a Place of far more Dignity. And when he had reign'd 23 Years and 6 Months, he dy'd the 4th of *January*, in the Painted Chamber at *Westminster*, in 1066, and was bury'd in the Church of *Westminster*, which he had Founded, or at least Re-edify'd with great Magnificence. *Ingulphus* tells us, That King *Edward*, now grown old, perceiving *Edgar Etheling* both in Body and Mind unfit to Govern, and on the other Side Duke *William*, his Kinsman by the Mother, of great Merit and Renown, sent Arch-Bishop *Robert* to acquaint the Duke with his Purpose of making him his Successor, not long before *Harold* came thither, who (as *Malmesbury* relates)

relates) was sent upon the same Errand. *Matthew Paris* assures us, that he design'd Duke *William* to be his Successor, and bequeath'd him the Crown by Legacy. And as a MS. Chronicle in the *Cottonian Library* relates, that when King *Edward* lay upon his Death-Bed, Earl *Harold* came to him, and desir'd him to nominate him for his Successor; to whom the King reply'd, That he had already made Duke *William* his Heir. But more of this by and by, when I shall have Occasion to make use of *Bacon's Historical Account of the Uniformity of the Government of England*, Edit. *Lond.* in 1647. in behalf of Duke *William the Norman*, the reputed Conqueror.

As to King *Edward's* Character, he is noted for his great Innocence and Simplicity, being much inclinable to Devotion and Religious Exercises; and is said to have been so chaste, that he never, as a Husband, enjoy'd his own Wife (the Daughter of Earl *Godwin*) tho' a very beautiful Lady; for which, as well as his other Vertues, and particularly his Charity to the Poor, he is commonly styl'd *St. Edward the Confessor*. But he was indeed but a weak and easy Prince, and too liable to be misled by the Suggestions of those about him, as his Proceedings against his Mother and Wife testify; tho' that very easiness of Nature is in him reckon'd for a Vertue. *Malmsbury* (whose Character of this Prince may be rely'd upon) says, That if we consider his Simplicity, he seem'd very unfit for Government; yet by Reason of his Vertue and Piety towards God, he was so directed by him, that the most politick and couragious Kings have scarce rul'd more happily; for during his Reign the Kingdom was never invaded by Foreign Enemies, nor disturb'd by Civil Contentions, but what were easily suppress'd: Yet it was the Misfortune of the Nation, as well as himself, that he was formerly driven to Banishment, and living in another Country, was moulded into the Humour, Fashions, and Customs of it, and out of Good Nature constrain'd to be Grateful to such as had well-deserv'd of him in his Necessities, more than the Temper, if not the Interest of his own Subjects, could bear. He was, in Effect, the last King of the *Saxon Race*, and one, whose Memory the People reverenc'd, for the High Reputation he had gain'd for his great Sanctity and Clemency to his Subjects.

this

this Prince the Royal Regnant Line of the *West-Saxon* Kings, which from *Cerdic*, the first of them, had Dominion in *Britain* 547 Years receiv'd its Period.

(2) *Edward*] This was antiently written *Eadward*, and *Eadweard*, and given as it appeareth in Recommendation of Loyalty or Faith-keeping: For *Eadward* is properly a Keeper of his Oath, Vow, Faithful Promise or Covenant. It is equivalent with *Edgar*, both importing one Sense and Meaning: *Gard* and *Ward*; Warders and Garters being all one. We have had more Kings of this Name than of any other; Nine in all, three before the Conquest, and six since. In *Portugal* they have metamorphiz'd it from all Sense and Signification, and made it *Duarte*. (*Verstegan.*)

(3) *Normans*] According to the Import of their Name, are a *Northern* People, or a People come from the *North*; the same with *Norwegians*, whose Country takes its Name from its Scituation towards the *North-Pole*. *Norwegia* in *Latin*; *Norway* in *English*, and *Nordweg* in their Language, being deriv'd from *Nort. i. e. Septentrio*, the *North*, and *Weg, i. e. Via*, a Way, and signifying the *North Way*, or the Way of the *North*. It was antiently (according to *Pliny*) call'd *Norigon*, and by others *Nordmania*. The antient Inhabitants of this Country were the *Scythæones* or *Sitones*, *Barbarians*, a People mention'd by *Tacitus* (*De Mor. Germ. Cap. 45.*) who were absolutely govern'd by Women: They were antiently very formidable, having over-run great Part of the *Netherlands*, *France*, and *Britain*, and were so terrible to those on the Coasts, that all their Litanies had this Prayer; *A Furore Normannorum libera nos, Domine*; they subdu'd *Neustria*, that Part of *France*, which from *Paris* and *Orleans*, lies betwixt the Rivers *Loyre* and *Seine*, down to the Ocean, good Part whereof *Normandy* (so call'd from them to this Day) containeth. It is a great and fruitful Province, govern'd by its own Dukes, descended from *Rollo*, who were powerful Princes, and often maintain'd Wars with the Kings of *France*. Of these, *William* Sir-nam'd the *Bastard*, invaded *England*, upon a Right he claim'd to the Crown after the Death of *Edward* the Confessor,

and by his Valour defeated *Harold*, who had usurp'd the Crown, and by his prudent Management obtain'd the Government, and reign'd 20 Years King of *England*. This Province was united by him to the Crown of *England*, and so continu'd till 1202, when King *John* was dispossest of it. *Henry* the 5th about 1420 re-conquer'd it, but his Son lost it again about 1450, since which time it hath been annex'd to the Crown of *France*, and is one of the most important Governments of that Kingdom, affording a large Revenue to the Prince, by reason of its Scituation on the Sea-Coasts, and the Fruitfulness of its Soil. It is usually divided into the upper and lower *Normandy*. The Boundaries of the Whole are the *British* Channel on the North and West, the Isle of *France* on the East, and *Pirche*, and *Main* on the South.

(4) *Heretoches*] Leaders or Commanders of Military Forces; from *Here*, which in the antient *Teutonick* signifieth as much as an Army, and *togen*, *togen*, *ducere*. *Heretochias* agreeth with either of these great Officers, *Constabularius* or *Marischallus*. In the Laws before the Conquest it is said, *Marischalli exercitus, seu Duciores exercitus Heretoches per Anglos vocabantur illi ordinabant Acies densissimas in Proelijs, & Alas constituiebant prout decuit, & prout ijs melius visum fuerit, ad Honorem Coronae & ad utilitatem Regni. Illi eligebantur per commune Concilium pro Communi utilitate Regni per Provincias & Patricios in Pleno Folkmote. (Co. Instit. 1. Fo. 74. Instit. 4. Pag. 127.)*

(5) *Patricij*] Ex Dignitate & Praefectura primo nuncupati sunt; Quos *Constantinus Magnus* e Publico Senatu in consistorium & privatum Consilium Principis, velut Senatuum domesticum Cooptavit, Provinciaq; alicujus praefectura insignivit; alias Comites consistoriarj, & Sacri consistorij dicti, & solummodo Illustres. Hinc *Gallia Reges, Romanorum Patricij*. Videndus, qui belle ut solet, de Hoc *Meursius*, & inter cetera *Venericum*, sive *Walthramum* proferens in *Apologia* 4. - - Legitur *Strephanum Papam* venisse ad Regem *Pippinum*, & postulasse Patrocinium ejus contra *Huistulfum*, Regem *Longobardorum*, ac ipsius Patro-

Patrocini gratia decrevisse; quemlibet deinceps Regem Francorum esse Patricium Romanorum. Hinc Provinciarum satrapæ etiam in Occidente dicti postea sunt Patricij, atq; denuo Illustres. Sic in Historijs nostris. (Spelm. Gloss.)

(6) Palatines, Palatini] Pro Aulicis in genere. Floard. Lib. I. Cap. 24. ---- pervenit ad Palatium, maiore Parentes affici, luctu Palatinos invenit opprimi. pag. 82. b. Et post aliquot ---- Veneratur Sanctus, tam a Rege, quam a Proceribus, glorificatur a Palatinis omnibus, laudibus effertur a Turmis vulgaribus.

Palatini pro optimatibus. Privileg. Roberti R. Gall. pro S. Dionysij cænobio --- ex sententia Palatinorum nostrorum adjudicavimus.

Palatina.] Munia, Officia, Obsequia. Wisegothor. Leg. Lib. 2. Tit. 4. l. 4. ---- servo penitus non credatur --- exceptis servis nostris, qui ad hoc Regalibus Servitijs Mancipantur, ut non immerito Palatinis Officijs Liberaliter honorentur, i. e. Stabulariorum, Gillonariorum, Argentariorum, Coquorumq; Præpositi, vel siqui præter hos Superiori Ordine vel gradu præcedunt. (Id. Ibid.)

(7) Ministers] Minister in Anglo-Saxonum Chartis sæpe occurrit, Et eundem esse opinor qui alias Thanus dicitur. Charta Edredi Magnæ Britannia Regis. Anno. Dom. 948. Apud Ingulph. Sax. Pag. 87. Ego Brithnodus Dux Commendavi. Ego Alcinus Comes favi. Ego Aigulfus Comes consignavi. Ego Radbodus Comes consensum dedi. Ego Ringulf Vice-Comes consului. Ego Afer Vice-Comes audiui. Ego Harceus Minister interfui. Ego Sigeus Minister auscultavi. Ego Athelwardus Minister aspexi. Ego Turketulus (licet Minister inutilis) finem cernens mei præpositi, ob hujus rei gratiam, æternum Deum laudo, &c.

Similiter in plurimis ibidem Chartis e quibus Ministri hujusmodi Et locum Et Dignitatem intelligas. Erat autem Turketulus iste Clericus Et Cognatus Regis, etiam Et Monachus. Quærendum igitur est, an hic veniat sub Aliorum Ministrorum Nomine, qui Thani Appellantur: Sed Fratrem etiam Religiosum mox infra videbis Ministerialem dici.

Minister Regius] Idem qui Thanus Regius, i. e. Baro.

Ministerialis] Servus vel Famulus honestior : qui ipso hoc, Nomine a Rusticano differt. L. Longobard. Lib. 1. Tit. 11. Sect. 2. Siquis Servum Ministralem probatum ut Supra, aut doctum domi Occiderit ; Componat Sol. 50. de Alio vero Servo Ministrali, qui secundus ejus invenitur esse, & tantum Nomen Ministrale habet ; siquis Occiderit, componat Sol. 25. Sect. 3. Siquis Servum alienum Rusticanum, qui sub Massario est, occiderit, Componat Sol. 16. Flodoard. Lib. 3. Cap. 28. Scripsit Ansoldo &c. pro Inquisitione Cujusdam fratris Ragamfredi Ministerialis sui.

Ministeriales Regij] Famuli vel Ministri Regum. Etiam de judicibus suis dictum. Flodoard. Lib. 1. Cap. 20. Pag. 62. unde saepe justitiam apud Ministeriales Regios sibi fieri petijt, nec obtinere potuit.

Ministeriales Villarum] Opinor villici & Rem Rusticam exercentes. Flodoard Lib. 3. Cap. 28, Pag. 306.--- Plebeijs quoq; quibusdam Personis, Villarum ; [scilicet Ministerialibus, pro rebus Ministeriorum suorum nonnunquam scribens, prudenter atq. rationabiliter disponebat, qualiter res sibi commissas tractare deberent (Id. Ibid.)

(1) Duke

The Titles of Count and Consul signify'd the same thing, with this only Difference, that Comes (or a Count) was so call'd a Comitatu (or of a Shire or County) and a Consul a Consulendo, or of giving Counsel. A Stalher or Governour of the King's House were all one, as divers Writings Manifest. The Patricij and Thayni were Noblemen of the best Sort, and I could almost affirm them to have been equal to our

our Barons at this Day. Ministers and Princes, who in old Charters are set as lowest Witnesses, seem to have been Names of one and the same Signification, and alike denote Noblemen. But what Degree of Honour or Nobility they were of, is altogether unknown. Nor did *William* the *Norman* immediately with the Conquest (1) change these Honourable Titles: For these Men, whom King *Edward* the Confessor, in his Charter, concerning the Privileges by him granted to the Abbey of *Waltham* (2), in the Year 1062, taketh to Witness by the Names of *Counts Palatin* (whom he but even a little before had call'd Dukes, Procurators, Chamberlains, and Princes of his Court;) the *Norman* himself, in the 2d Year after his Victory, in his Confirmatory Charter, granted to the same Abbey, doth, by the same Stiles and Titles, take to Witness also. But after he had Settled the Kingdom to himself in Safety, the Counts, whom he by his Royal Charter had rewarded with Counties and Lands, began to be one from another distinguished by the Addition of the Title of such and such a County; as *Alanus*, Count of *Richmond*; *Hugh*, Count of *Chester*; *Roger*, Count of *Shrewsbury* and *Arundel* Witnesses.

And

And thus the *English Saxons* being either Dead without Issue, or Oppress'd, or thrust forth into Exile, and so Living in other Places, all Things were so fram'd to the *Norman Manner*, as that of our Nobility at this Day, there is not any that can draw the least Breath of the Stock and Race of those most Antient *Saxons*.

These

(1) Duke *William's* Accession to the Crown of *England* being generally reputed to have been by Conquest, I shall clear that Point (as is before promis'd) out of *Bacon's Historical Account of the Uniformity of the Government of England*, 8vo Edit. Lond. 1647. Observing this Method.

First, I shall give you a Relation of the *Norman Entrance*, out of the 44th Chapter.

Secondly, I shall shew that the Title of the *Norman Kings* to the *English Crown* was by Election, out of the 45th Chapter.

Thirdly, That the Government of the *Normans* proceeded upon the *Saxon Principles*, and first of Parliaments, out of the 46th Chapter.

Fourthly, That the Entry of the *Normans* into this Island could not be by Conquest, out of Chapter 55th.

Fifthly and Lastly, Give a brief Survey of the Sense of Writers, concerning the point of Conquest, out of Chapter 56th of the said Book, faithfully Transcribed Word for Word, and then leave the whole Matter to the Judgment of the Impartial.

The First Article is an Account of the *Norman Entrance* being in Chapter 44th.

Thus (saith *Bacon*, immediately after his Epilogue to the *Saxon Government*) was *England* become a Goodly Farm; the *Britons* were the Owners; the *Saxons* the Occupants, having no better Title than a Possession upon a forcible

forcible Entry, with a Continuando for the space of 400 Years, seldom quiet, either from the Claims and Disturbances of the Restless *Britons*, or Invading *Danes*, who not only got footing in the Country, but settled in the Throne, and also gave over the same to the Use (as it prov'd) of another People, sprung from the wild Stock of *Norway*, and thence Transplanted into a milder Climate, yet scarcely Civiliz'd; that in one Isle the Glory of God's Bounty might shine forth to all the Barbarism of *Europe*, in making a Beautiful Church out of the Refuse of Nations: These were the *Normans* out of the Continent of *France*, that in their first View appear'd like the Pillar of the Cloud, with terror of Revenge upon the *Danish* Pride, the *Saxon* Cruelty, and Idolatry of both People; but after some Distance shew'd like the Pillar of Fire, clearing God's Providence for the Good of this Island, to be Enjoy'd by the Succeeding Generations. Nor was this done by Revelation or Vision, but by Over-ruling the Aspiring Mind of Duke *William* of *Normandy*, to be a Scourge unto *Harold* for his Usurpation, and unto the People for their causeless deserting the Royal Stem. Yet because the haughtiest Spirit is still under Fame and Opinion, and cannot rest without Pretence or Colour of Right and Justice, the Duke first Arm'd himself with Titles, which were too many to make one good Claim, and serv'd rather to busy Mens Minds with Musing, whilst he catcheth the Prey, than settle their Judgments in approving of his Way.

First, he was Cousen-German to the Confessor, and he Childless, and thus the Duke was nigh, tho' there were nigher than he; but the worst point in the Case was, that the Duke was a Bastard, and so by the *Saxon* Law without the Line; nor was there other Salve therein but the *Norman* Custom, that made no Difference; so as the Duke had a Colour to frame a Title, tho' *England* had no Law to allow it; and this was the best Flower of his Garland, when he meant to solace himself with the *English*, as may appear by what his Son, *Henry* the First, sets forth to the World in his Charter, whereby he Advanc'd the Abby of *Ely* into the Degree of a Bishoprick, and wherein amongst other Titles, he calls himself Son of *William* the Great, *Qui Edwardo Regi Successit in Regnum jure Hereditario*. But if that came short he had the Bequest of the Confessor, who

who design'd the Duke to be his Successor, and this was Confirm'd by the Consent of the Nobility, and principally of *Harold* himself, who in Assurance thereof promis'd his Sister to the Duke in Marriage (*M. Paris Ant. Brit. Eccles.* 36) This countenanc'd a double Title; one by Legacy, the other by Election, and might be sufficient, if not, to make the Duke's Title Just, yet *Harold's* the more unjust, and to ground that Quarrel, that in the Conclusion laid the Duke's Way open to the Crown. And for the better Varnish, the Duke would not be his own Judge, he refers his Title to be discuss'd at the Court of *Rome*, and so flatter'd the Pope with a judiciary Power among Princes (a Trick of the new Stamp) whereby he obtain'd Sentence in his own Behalf from the Infallible Chair. The Pope glad hereof laid up this amongst his Treasures as an Estoppel to Kings for times to come; and the King made no less Benefit of Estoppel against the *English* Clergy, that otherwise might have Oppos'd him, and of Assurance of those to him that were his Friends, and of Advantage against *Harold* that had gotten the Crown *sine Ecclesiastica Autoritate*, and by that means had made Pope *Alexander* and all the Prelates of *England* his Enemies. (*Mat. Paris*) But if all fail'd, yet the Duke had now a just Cause of Quarrel against *Harold* for Breach of Oath and Covenant, wherein if *Harold* chanc'd to be Vanquish'd, and the Crown offer'd itself fair, he might without breach of Conscience or Modesty accept thereof, and be accounted Happy in the Finding, and Wise in the Receiving, rather than unjustly Hardy in the Forcing thereof. And this might occasion the Duke to Challenge *Harold* to single Combat, as if he would let all the World know that the Quarrel was Personal, and not National (*Hist. vit. Eadm.*) But this Mask soon fell off by the Death of *Harold*, and the Duke must now explain himself, that it was the Value of the *English* Crown, and not the Title that brought him over. For tho' he might seem as it were in the heat of the Chase to be drawn to *London*, where the Crown was, and that he rather sought after his Enemies, than it; yet as soon as he perceiv'd the Crown in his Power, he disputed not the Right, altho' that was *Edgar's*, but Possess'd himself of the long desir'd Prey; and yet he did it in a mannerly way, as if he saw in it somewhat more than Gold and precious Stones

Stones ; for tho' he might have taken it by Ravishment yet he chose the way of Wooing, by a kind of mutual Agreement. Thus this mighty Conqueror suffer'd himself to be Conquer'd, and stooping under the Law of a *Saxon* King, he became a King by Leave, wisely foreseeing that a Title gotten by Election is more certain, than that which is gotten by Power. Thus much for the 1st Article.

The Second is, That the Title of the *Norman* Kings to the *English* Crown was by Election.

Some there are that build their Opinion upon passionate Notes of angry Writers, and do conclude that the Duke's Way and Title were wholly by Conquest, and thence infer strange Aphorisms of State, destructive to the Government of this Kingdom. Let the Reader please to peruse the ensuing Particulars, and thence Conclude as he shall see Cause---It will easily be granted that the Title of Conquest was never further than the King's Thoughts, if it ever enter'd therein ; else wherefore did he pretend other Titles to the World ?

But because his Wisdom would not suffer him to pretend what he intended, and yet in Practice intended not what he did pretend ; it will be the skill of the Reader, to consider the Manner of the first *William's* Coronation, and his Succeeding Government. His Coronation questionless was the same with that of the Antient *Saxon* Kings ; for he was Crown'd in the Abbey of *Westminster*, by the Arch-bishop of *York*, because he of *Canterbury* was not Canonical : At his Coronation he made a solemn Covenant to observe those Laws which were *Bona & approbata & Antiqua Leges Regni* ; To Defend the Church and Churchmen ; to Govern all the People justly ; to Make and Maintain Righteous Laws ; and, to Inhibit all Spoil and unjust Judgments.

The People also entred into Covenant with him, that as well within the Land as without, they would be faithful to their Lord King *William*, and in every Place to keep with all Fidelity, his Lands and Honours, together with him, and against Enemies and Strangers to Defend. (*Hoveden. Fadmer. Hist. L. 1. P. 13. M. Paris vit. Gulielm. Malmesb. L. 3. fo. 154.*) It is the self-same in Substance with the Fealty that the *Saxons* made to their Kings, as will appear by the Paralleling them both together.---The *Saxons* were
sworn

sworn to Defend the Kingdom against Strangers and Enemies, together with their Lord the King, and to preserve his Lands and Honours, together with him with all Faithfulness; so as by the *Saxon* way, the Allegiance first Terminated on the Kingdom, and then, as in Order thereunto, upon the King with his Lands and Honours: But the *Norman* either wholly Omitted the First as needless to be Inserted in a Municipal Law, itself being a Law in Nature, or else includeth all within the Words, Lands and Honours, taking the same in a Comprehensive Sense for the whole Kingdom, and so made up the Sum of the *Saxon* Fealty in fewer Figures, which may seem more probable of the Twain; because little Reason can be rendred why the King should restrain that Defence to his private Lands (if he Claim'd all by Conquest) when as all equally Concern'd him; or why he should exclude the Publick, when as both himself, and all he had was Embarqued therein; and it might subsist without him, but contrarily not he without it, appeareth not to my Understanding; nor did the thing enter into the King's Purpose, if the File of his Purposes be rightly Consider'd. For speaking concerning Castles, Burrows and Cities, which in Nature are Limbs of the Common-wealth, he saith, that they were built for the Defence of the People and Kingdom; was this the Service of Walls and Fortifications, and not much rather of Men within those Places of Strength? Certainly the plain *English* is, that in time of Breach of Publick Quiet and Peace, the Subjects were bound to Defend the Kingdom, and in Order thereto the People of the same, and of the King's Right included in the Publick Defence; else it were a strange Conclusion, that each Man in particular, and in their own Person alone, was bound to Defend the King's Right, but being Embodied, the Kingdom. And yet more clearly its Apparent in that the Order of Knighthood, which was the chief Strength of the Nation in those Days, was determin'd upon the Service of the King, and Defence of the Kingdom; or which is more plain, for the Service of the King in, or for Defence of the Kingdom; as the Statute of *Mortmain* expounds the same (7. Ed. I.) But not to force the King's Sense by Argument; if the King had purposely omitted that Clause of the Kingdom's Safety, as of inferior regard to his own Personal Interest;

it was one of his rashest Digressions, wherein he soon espied his Error. For in the midst of his Strong and Conquering Army, he held himself unassur'd, unless he had a better Foundation, than that which must change with the Lives of a few at the utmost.

And therefore, besides the Oath of Fealty formerly mention'd, he establish'd a Law of Association, that all Freemen should be sworn Brethren. 1st, To Defend the Kingdom with their Lives and Fortunes against all Enemies, to the utmost of their Power. 2dly, To keep the Peace and Dignities of the Crown. 3dly, To maintain Right and Justice by all means, without Deceit and Delay. Joyn then these two Oaths together, viz. that of Fealty, and this of Fraternity, and it will easily appear, that the Allegiance of the *English* to the *Norman* Kings was no other than what might stand with Brotherhood, and tender Regard of the Publick above all, and differing from the *Saxon* Fealty only in this, that that was in one Oath, and this in two. Wherefore whatsoever Respects steer'd in the Rear of the King's Course, its less material, so long as the Van was right, albeit that the Sequel will prove not much different from the Premisses, as will appear in the foot of the whole Account.

Thus entred the first *Norman* upon the *Saxon* Throne; and as he had some Colour of Right to countenance his Course, so had his Son his Father's Last Will, and yet he had as little Right as he. This was *William Rufus*, that was of his Father's Way, but of a deep Dye, and therefore might well be call'd *William Rufus*, or *William* in Grain. He was exceeding Happy in the Fear or Favour of the People; for he had nothing else to make room for his Rising.--- True it is, he had the Good Will of his Father, but he was Dead, and probably the People as little regarded it, as he did them; nor was it ever observ'd, that the *English* Crown was of so light Account, as to pass by devise of *Cestui que use*, and therefore tho' it was design'd to him from his Father, yet both Right and Possession was left to the People to Determine and Maintain. The Clergy first led the way, having first taken a Recognizance of him for his good Behaviour towards them, which he assur'd, as far as large Promises and Protestations would serve the turn, and within one Year after, standing in
need

need of the Favour of the Commons (to maintain Possession against his Brother *Robert*) he gave them as good Security as the Clergy had; which he kept in such manner, that it was a wonder, that one of so small Interest in the Title, but what he had by the Peoples Leave and Favour, should Rule in such Manner, and yet die a King; the Favour of the People being like a Meteor, that must be continually fed, or it soon goes out and falls. For evident it is, that the Right of Inheritance was his Elder Brother *Robert's*, who was the Braver Man, and more Experienc'd Soldier, and upon these Principles had obtain'd the Love of the *Norman* Barons (the Flower of his Father's Chivalry) and the liking of the Clergy, after they had found by Experience the Emptiness of their Hope in his Brother *William*, and was every way so Superior to his Brother in Advantages, as we are left to believe that *William* got the Day without any other Ground, but only that God would so have it. It's true, the *English* stuck close to him, but how they were Gain'd or Contain'd, Writers speak not, but tell us of his Promises, which also they tell us were vain, and never had Issue further, than would stand with his Profit.

Exit *William Rufus*; and in comes his Younger Brother *Henry*, the First of that Name: A Prince that Excell'd in Wisdom, and by it Rul'd his Courage, which serv'd him so far as his Aims and Ends reach'd; his Title was no better than his Father's or Brother's, but rather worse; for he had no Colour of a Last Will to propound him to the People, and his Elder Brother *Robert* was still alive, and by his Church-Service, in the War of *Jerusalem* might merit that Respect of the Clergy, as not to permit him to be a Loser, by well-deserving Service, as in those Days that was Accounted. Nevertheless the *English* look upon *Henry* as the fitter Man for their Turn, being now at Hand, and *Robert* at *Jerusalem*; and being a Native, Born in *England*, Civiliz'd into the *English* Garb by Education, and of a wiser and fairer Demeanour, and more inclinable to Peaceable Government, which both *Normans* and *English* were much inclin'd to, as being weary of 30 Years Service in the Wars; and therefore it's not marvellous, if they applied themselves to him in a way of Capitulation, and less Wonderful if he hearken'd thereunto; and

and yet neither Unadvisedly yielded to by him, nor Traiterously propounded by them, as some, in zeal to Monarchy, conclude the Point. The worst of the whole Matter resting in this, that the King bound himself to be Just, that he might be Great, and the People to submit unto Justice, that they might be Free, like as their Ancestors were, and themselves, by the Law Establish'd, ought to be. For the Capitulation was in Substance settled by the Antient Laws of the Saxons, mix'd with some Additions of Laws made by the King's Father, with the joynt Advice of the Grand Council of the Kingdom; all which both the *Norman Williams* had often Confirm'd by Solemn Protestations and Promises; however their Actions upon sudden Surprizal were *Mala consuetudines & Exactiones injuste*, by this King's own Acknowledgment. --- Thus these 3 *Norman* Kings made their way to the Throne; the 1st by Arms, under colour of Title; the 2d by a kind of Title, under colour of Arms; and the Last by Favour; but all Entred the same by Capitulation, Election, and Stipulation; and for the general had some regard to suit their Course in order to retaining the Good will of their People, altho' in a different Measure according to the difference of Occasions.

The Third Article is, that the Government of the *Normans* proceeded upon the *Saxon* Principles, and 1st of Parliaments. -- The Principles, which I mean, are these. First the Legislative Power, and Influence thereof upon the Whole. Secondly, The Members of that Government, with their several Motions. Thirdly, The Laws and Customs, or Rules of those Motions.

And First concerning the Legislative Power. Altho' it be true that the First *William's* great and most constant Labour was to Have and to Hold, and had but little Time or Liberty to Enjoy; yet that time of Rest, which he had, he did apply it and himself in the settling of the Laws by the Advice of Common Council; I say, not by Advice of his own Heart, or 2 or 3 *Norman* Lords, or of the *Norman* Nobility only, as some Men take the Confidence to Aver, as if they had been Eye-witnesses to the Actions of those Days; but by the joint Advice of the Grand Council of the Lords and Wisemen of the Kingdom of *England*. I will not insist upon Force of Argument, to shew, that common Reason must of Necessity sway the King into this Course,

but shall reserve that to another Place; the Testimonies of Writers must now serve the turn.

And herein the Chronicle of *Litchfield* must have the First Place; which speaks both of a Council of Lords, and saith, that by their Advice he caus'd to be Summon'd a Meeting of all the Nobles and Wisemen throughout all the Counties of *England*, to set down their Laws and Customs. This was in the 4th Year of his Reign, or rather after his Entry, and as soon as the Kingdom was brought into any reasonable Posture of Quiet: And which, besides the Intention of Governing the Kingdom according to Law, doth strongly pretend, that the Parliament had the Legislative Power, and Right of Cognizance and Judicature in those Laws that concern'd the Kingdom in General; and for the particular Laws and Customs of several Places or Precincts, it was referr'd to a Committee or Jury in every County to set forth upon Oath.

Secondly, That this Council had Power to Change Laws, may likewise appear in that Act made concerning the Introduction of the Canon-Law, which shews not only the Power of that Council in Church Matters, but also that the Canon was no further in Force, than the same would allow; and this was also done by the Common-Council, and the Council of the Arch-bishops, Bishops, Abbots, and all the Princes of the Kingdom, which Connexion shews plainly, that there was Council besides that of the Prelates and Princes.

Thirdly, In Matters of general Charge upon the whole Body of the People, the King us'd also the Help of this Grand-Council, as may especially appear in the Charge of Arms impos'd upon the Subjects; its said it was done by the Common-Council of the whole Kingdom, and is Witnessed even by the King's own Law. It may seem also that the Grand Officers of the State were Elected by such Grand Assembly of the Wisemen: For we find that *Lanfrank* was Elected to the See of *Canterbury* by the Assent of the Lords and Prelates, and of the whole People, *i. e.* by the Parliament of *England*: And as probable it is that Bishops were therein also Elected, for that the Bishop of *Litchfield* resign'd his Bishoprick in such like Assembly, if the Meaning of *Lanfrank* be rightly understood, who saith in his Letter, that it was in *Conventu Episcoporum atq; Laicorum*
(leg.

(*leg. Gulielm. Cap. 58. Antiq; Brit. fol. 110. Baron. Annal. 1070.*) Lastly, that one Law of this King's, which may be call'd the 1st Magna Charta in the *Norman* Times, by which the King reserv'd to himself, from the Free-Men of this Kingdom, nothing but their Free-Service; in the Conclusion saith, that their Lands were thus granted to them in Inheritance of the King, by the Common-Council of the whole Kingdom, and so Asserts in one the Liberty of the Free-Men, and of the Representative Body of the Kingdom. (*Leg. Gulielm. Cap. 55.*) These Footsteps of the Parliament find we in the Conqueror's Time, besides other more general Intimations scatter'd amongst the Historians, which may induce Opinion to its full Strength, that this King, however Conqueror he was, yet made use of this Additional Power of Parliament to perfect his Designs, and it may be more often than either of his Sons, that yet had less Pretence of Superlative Power to Countenance their Proceedings.

William Rufus was a Man of Resolution, no whit Inferior, if not Surpassing his Father, and had Wit enough for any thing, but to Govern his Desires, which led him many times Wild, and might occasion Conceit, that he was almost a Mad King, tho' he were a witty Man; and therefore its the less marvel, if he us'd not the Help of the Common-Council more than needs must; where Kings many times are told of that which they are loth to know-- Nevertheless *William* the II^d, could not pass over 13 Years without a Parley with his Commons and Clergy, unless he meant to adventure a Parley between them and his Brother *Robert*, who like an *Eagle* ey'd his Posture tho' he Hovered afar off. But,

Henry the Ist was more Wise, and being train'd up even from the Cradle in the *English* Garb, moraliz'd by Learning, and now admitted into the Throne, found it the wisest Course to apply himself to the Rule of an *English* King, viz. To Win and Maintain the good Opinion of the People by Consorting together with them under one Law, and Pledging himself thereto by taking unto Wife one of the *English* Blood-Royal: By this Means he refus'd and re-assum'd the *English* in Partnership with the *Normans* in their Antient Right of Government, and reconcil'd the Minds of the People under a lively Hope of enjoying a

settled Government. Nor were they greatly deceiv'd herein; for his Course was less Planetary than that of either of his Predecessors, and yet we find little said of his Parley with his People in a Parliamentary way, altho' more of his Laws than of any of his Predecessors. The Reason will rest in this; that the Writers in those Times touch more upon Matters of Ordinary, than Political Observation, and regarded rather the Thing, than the Place or Manner how. The Laws therefore, altho' they are not intitul'd, as made in Parliament, yet in the Continuation of *Bede's History* its noted, that the King renew'd or confirm'd the Antient Laws *in Concilio peritorum & proborum virorum Regni Anglia*, which may give sufficient Cause to suppose, that he declin'd not the Antient way, no more than he did the Antient Law.

The Fourth Article is, That the Entry of the *Normans* into this Island could not be by Conquest.---That in point of Fact, the Entry of the *Normans* into *England* was not by Conquest, will sufficiently appear from what hath been already Noted; I shall make one step further and shew, that as Affairs then stood with the Conqueror, it was impossible for him to merit that Name against the stream of Providence that had pre-engaged him to 3 sorts of Men, *viz.* The *Normans*, the Clergy, and the Commons of *England*: It must be taken for a Ground, that Duke *William* must give all fair Correspondence to the *Normans*, considering they are Members of his own Body, and the Arm of his Strength, without which he could do nothing. And its not less certain, that however the Sea divided the 2 Countries, yet long before the Arrival of the Army, the *Normans* and *Saxons* were so well acquainted by the latter Access of the *Danes*, that partly by Marriage and other Interests the *Normans* made so great a Party in *England*, as that Party merited no less from the Duke in his Entrance, than those he brought with him; and therefore they and their Allies, in all reason, must expect such Reward of their Faithfulness to him, as the others had; nor could the Duke deny the same, unless he had disclaim'd his own Interests, whereof he had none to spare. 2dly, Their Merit from the Duke was accompanied with no less mutual Relation to his Army, being of the same Blood with themselves, and of antient Acquaintance, and as impossible

impossible for the Duke to keep them from Association with the mix'd People each from other, one or both of which must be done, and the Conquerors must be kept from incorporating with the Conquer'd, or else the Law of Conquest cannot hold. 3dly, If these two had failed, yet had the Duke, by his manner of rewarding his Army, disabled himself from holding however he might seem to hold by Conquest.

This was his Gift of Mannors, Lands and Franchizes unto his Soldiers, compleated with their antient Rights and Privileges in Free-Service ; otherwise it had been little better than a Trap to bring his own Men into Bondage, who lately were Free-Soldiers under no better than a Duke of their own Country, who, however big, yet had not brought forth a Sovereignty into the World ; their Duke no compleat King, nor themselves so mean as Vassals ; and it was equally difficult for him to get up higher, as for them to stoop lower : And however it was dangerous now for the Duke to try Masteries, unless he meant to hazard all, and to change the Substance for the Shadow.

Lastly, To lay them all aside, and to take the *Normans* as in themselves consider'd, a People under such Laws and Customs as were the same with the *Saxons*, and Originally in them, and from them deriv'd into *Normandy* by *Rollo*, or some other ; or take them as a People willing to lay aside their own Law, as some Writers affirm, and more willing to take up the *Danish* Customs, which were also very nigh a-Kin to theirs, and in part settled by the *Danes*, in that Part of the Kingdom where themselves most resided. It must be concluded, that a Government by Law was intended, and such a Law that was no way cross to the Fundamental Laws of this Kingdom, but concurring therewith ; in every of which regards, the future Generations may justly claim their Immunities as Successors and Heirs unto the *Normans*, albeit, no *Saxon* could have enjoy'd or deriv'd the same to Posterity. A 2d Sort of Men that made the King incapable to hold by Conquest was the Clergy ; a considerable Part of the Kingdom in those Days, when as in every Nation they grew Check-Mate, and in this Kingdom had well nigh the one half of the Knights-Fees, and thereby a Principal Part of the Strength of the Kingdom, besides the Consciences of them all ;

and for a Reserve they had the Pope in the Rear, whose Power in every Kingdom was little inferiour to that of the King's own, and therefore sufficient to stop an Absolute Conquest, unless it were first conquer'd. --- But the King came in upon great Disadvantages in both these Regards. For whereas his Pretence upon his Entry was to advance Justice principally toward the Clergy, who formerly were wrong'd by *Harold*, or voic'd so to be, this bound him from Injustice and Oppression; and furthermore, the Pope had him in a double Bond; one as Prince of the *English* Clergy, the other as Judge of the Title of the Crown by the King's own Election, and that by Sentence; for the King had merited by him, if not to hold the Crown it self by Fealty to the *Roman* See, yet by such Services, as that the Tripple Crown should be no Loser; the King therefore must resolve to have no more to do with the Church, than will stand with the Pope's Liking, unless he mean'd to adventure himself, and all he had into the Danger of the great Curse, of which the King would seem more sensible, than perhaps he was. Nor were those Times of the Church so moderate, as to bring forth Churchmen, that would catch the Goodwill of the Laity by Condescension, or Popes of that Height of Perfection, as to part with one tittle of their great Titles, much less ought of that Pitch of Power which they had grip'd, tho' it would save the World from Ruin. In all which Regards the *Norman* Duke was too far inferiour to attain by Conquest any Thing in this Kingdom, wherein the Pope or Clergy claimed ought to have or do. A third Sort of People avoided the Dint of Conquest, either by timely siding with the *Norman*, or by constant resisting of him, or by Neutrality. Of the first Sort, were many, both Lords and others, that by Affinity and Consanguinity were become *English* Men to the *Norman* Use; others were purchas'd thereunto by the Clergy, that were zealous for the Pope's Honour, that was engag'd in the Work. Of those likewise that were resolute in Defence of their Country, there were not a few, that purchas'd their Liberty, who otherwise might under a Pretence of Treachery have forfeited the same to the Rapacious Humour of the Conqueror; and this was not done only by Valour, for *Normandy* stood in a tottering Condition with their Duke, partly

partly drawn away by the *French*, that fear'd the Duke would be too strong for them, and partly declining their own further Aid, lest the Duke should be too great for the Dutchy. It was therefore Wisdom in the Conqueror to settle the *English* Affairs in the fairest Way to gain them for himself, who had been so brave against him. But the greatest Number, especially of the Commons, look'd on while the Game was playing, as contented with the Cast of the Dice, whatever it should be. These were afterwards by the King look'd upon, not as Enemies, (as the President of *Edwin* of *Sharnebarn* witnesseth sufficiently) but as such who either were, or by fair Carriage would be made his Friends; and therefore he concluded under a Law of Assurance, that they, that had been so peaceable, should have, and enjoy their Lands as entirely and peaceably as they had formerly done before his Entry.

To conclude therefore this Point; if these three Parties of the *English Normans*, the *English* Clergy, the stout *English*, and the peaceable *English* be set aside from the Title of Conquest; it will be probable, that not one 10th Part of the Kingdom, were ever under other Change, than of the Governor's own Person.

The 5th and last Article gives a brief Survey of the Sense of Writers concerning the Point of Conquest. The Clamours in Story, that the Conqueror alter'd and made Laws at Pleasure, brought in new Customs, molested the Persons and Estates of the People with Depopulations, Extortions and Oppressions, and others of that Nature, have made latter Times to conclude his Government to be (as of a Conqueror) meerly Arbitrary, and that he did what he list. How different this Conclusion is from the Intent of those Writers I know not; but if the King's Title and Government were as a Conqueror, then was his Will the only Law, and can administer no Cause of Complaint of Wrong and Oppression; and therefore if these be taken in Nature of Complaints, they declare plainly, that there was a Law in Title, or else there could have been no Transgression, or Cause to Complain. But if the Reader shall apprehend these Passages in Writers to be no other than sober Relations; then were it not amiss to consider from what Sort of Men these Complaints or Relations do proceed, viz. from Writers that have been Cloyster'd

ster'd Men, little seen in Affairs of State, more than by common Report and Rumour ; prejudic'd by the King's Displeasure against their Cloysters, and therefore apprehensive of Matters in the saddest Sense, and many Times far beyond the Truth, and might as well be suppos'd to mis-relate, as to mistake. For if we shall touch upon Particulars, I think no Man will deny, but the King allow'd Property indifferently, as well to *Normans* as *English*, if the Premisses be rightly consider'd ; and therefore, tho' somewhat be true of the Plundering of Houses of Religion, Persecuting of the *English* Nobility, Deposing of Bishops and Abbots, whereof they speak ; yet all might be deservedly done in a Legal Way, and in Execution of Justice, whereof Histories are not altogether silent. Nevertheless if, in the Prosecution, the King did shew a Kind of Rage, and some Rashness, it might be imputed to the common Infirmary of great Men ; for as Oppression upon those that are Inferior makes them mad, so doth Treachery against them that are Superior make them little other ; especially if they be overtaken with a Fit of Passion in the Instant, or their Minds wrapt in a Whirl-Pool of Affairs. But the Change of Laws makes the greater Noise, wherein what Change they suffer'd, may appear from the Premisses, if Writers have dealt uprightly ; otherwise general Imputations without particular Instances will never sway Opinion contrary to the Current of the Laws that are publish'd ; especially seeing we have observ'd the Error of the best Historian of those Times, in calling those Things new, which were antiently us'd in *England*, before *Normandy* was in the Condition of a State. Yet if this should be granted, and that there were such change of Laws as is pretended, it makes nothing to the Point of Conquest, so long as the new Laws are made by Advice of Council, and for the common Good, and so long as they are establish'd to be Rules for Government. I remember it's affirm'd by some of those antient Writers, that the Duke or King would have brought in the Custom of *Norway*, but the earnest Mediation of the *English* prevail'd against it ; and this evinceth Two Things to my Opinion ; *First*, That there was Question made what Law should be establish'd ; *2dly*, That notwithstanding the Interest that the *Normans* had in the Kingdom, they could not prevail to bring in the

the whole Body of their Law, or of the Customs of *Norway*, which were not only the *Prima materia* of their Law, but also in Kind, had a Settling at that very Time in those Places in this Kingdom, where the *Danes* had their Principal Seat; and therefore not altogether strange to the *Saxons* themselves. The Sum of which will be this, that upon Debate a Law must be settled, and that not the Law of the Conqueror's own Will, nor the Law that suits with his Desire, but the antient Law of the Kingdom; and therefore if at any Time the Unquietness of some of the *English* brought the King to some Thoughts of Arbitrary Rule, and to shake off the Clog of the *Saxon* Law; it was long e'er it stirr'd; and sprang up too late to raise the Title of Conquest, and wither'd too soon to settle it. As touching the Change of Customs (for that also is imputed to the Conqueror) it cannot be deny'd, but some Alteration might be in Matters of smaller Consideration, yet are the Writers not without Mistake in the particular Instances: For whereas they tell us, that the Conqueror took away the Custom of *Gavel-kind*, and brought the Custom of Descent to the eldest Son; and that *Kent* sav'd their Liberties, and continu'd this Custom of *Gavel-kind*: I shall not contend about the Liberties of *Kent*, but must, till I see better Reason, hold the Opinion of the change of Inheritance to be a meer Conceit: For (besides what hath been already said concerning that Custom of *Gavel-kind*) if we believe *Glanvil*, the Difference was between Lands holden by *Knights Service* and in *Socage*; The first of which, in his Time by antient Custom always descended to the eldest; and those Lands that were holden in *Socage* (if not partible by Custom, in which Case they were equally to all the Sons) went by Custom in some Places to the eldest, in other Places to the youngest; so as the Right of Inheritance in the *Norman* Times was Custom, as well as in former Times. And furthermore, if the Custom of *Gavel-kind* had been the general Custom of this Nation, the King by his change had contradicted his own Prerogative, and granted as great a Liberty to his Subjects as could have been invented: For had the Custom of *Gavel-kind* happen'd upon the Lands in *Knights Service*, it had brought all the Sons under the Law of *Wardship*, and had made a ready way to enthrall all Men of worth, and
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undo all Husbandry; the first whereof had been as advantageous to the King's Private Interest, as both destructive to the Publick. Nor is it clear from any Author of Credit, that the *Normans* chang'd the Tenures of Lands; albeit that it cannot be denied, but such Lands, as he had by Forfeiture, or otherwise, were in his own Power to dispose, upon what Tenure he pleas'd; for as well before the *Normans* Time, as long after, Tenures were like as the Services were, all at the Will of the *Donor*; and were of as many Individuals almost as the Minds of the Owners; some being of more general regard and publick Use, are recorded amongst the Grounds of *English* Laws; none of which appear to me to be of *Norman* Original, although they receiv'd their Names according to that Dialect.

The next Thing objected is the Change of Language; which Thing some Writers tell us the King endeavour'd; or which is worse, to be so Absolute, as to be Absolute Tyrant; and to publish Laws in a Foreign Language, that the People through Ignorance might the rather Transgress, and thereby forfeit their Estates; this (if true) differ'd so far from the Nature of a Conqueror, as rather proveth he was put to his Shifts: Nevertheless the Thing tasteth so much of Spleen, that it may occasion Distrust of other Relations concerning this Subject. For, besides, that it is Nonsense for a Conqueror to entitle himself by a Cheat, where he hath an elder Title, by Conquest; I shall in full answer to that Columny insert a Passage of an Historian, that was in the continual View of Publick Affairs in those Times, who speaking of the Conqueror, saith, that he commended the Confessor's Law to his Justices, in the same Language wherein they were wonted formerly to be written, lest, through Ignorance, the People might rashly offend. (*Ingulphus.*) And another Author saith, that the King had a Desire to learn the *English* Tongue, that he might the better know their Law, and judge according thereto. (*M. Paris.*) It's probable nevertheless, that the Laws were in the *Norman* Tongue; and it's no less likely, that the Pleadings in real Actions especially, were also in the same Language; else must the *Normans* be put to School to learn *English*, upon Peril of Loss of their Estates: But that either the written Laws were wholly concluded into the *Norman* Tongue, or that the publick Pleading of Causes

Causes by Word of Mouth in all Actions, where the Issue was left to the Country, were in any other Language than *English*, no advis'd Reader will conceive; seeing it had been a Madness for an *English* Jury to pass their Verdict in any Case, wherein it's likely many of them understood scarce a Syllable of the *Norman* Language, much less ought upon the Matter, upon which their Verdict should be grounded. Add hereunto, that it's not likely, but the Conqueror inhibited the Use of the *English* Language in all Matters of Publick Record, in as much as the Charters made by him to Corporate Towns and Franchises were sometimes in the *Saxon*, more generally in the *Latin*, but seldom or never in the *Norman* Dialect; and that Pleadings and Indictments were entred in like manner in the *Latin* Tongue (as formerly by an old Custom brought in by the Clergy, was us'd.) For the Clergy who had gotten the Key of Knowledge and Law in their own Custody, laid it up in that Language, whereof the Commons had little Knowledge, that they might thereby be enforc'd to depend upon these Men for Justice, as well as for Piety. The *Normans* therefore either found it too hard to alter the former Custom in such Case; or else thought it the wisest Way to chuse the *Latin* for the third Language indifferent, as well to the *Normans* as *Saxons*, and best understood of any Foreign Tongue besides, and yet endeavour'd to bring both People into one Language, as they were intended to be one People, and to press the Use of the *Norman* Tongue in Publick Affairs, so far as might consist with good Government and Justice, leaving Time and Occasion to work the Issue, which doubtless was much, and had been more, had the *Norman* Race continu'd on the Throne; but falling out otherwise, the *English* Blood prevail'd in the Head, and the Language continu'd Possession, mix'd only with some *Norman* Words, as the People also were a mix'd People, so as the Language was not chang'd, tho' it was alter'd.

Lastly, It's affirm'd, that the *Normans* did impose a new Custom call'd *Coverfeu*; and it's thought by some to be a meer Vassalage, that every Man at the Noise of the Bell, every Night, must put out both Fire and Candle. And yet it is a Matter of no small Concernment, that (as being in its own Nature convenient) *Scotland* receiv'd it without

without such Coercion ; and can be reputed no other than a seasonable Advice, which any Corporation in Time of Danger might order within their own Precinct, without transgressing the Liberty of the Subjects. Of less Consequence is that Change, which is alledg'd, was brought in by the *Normans* in the Sealing of Deeds of Conveyance, by setting a Print upon Wax annex'd to the Deed, which formerly was wont to be by setting a Print upon the Blank at the End of the Deed ; and yet it's look'd upon by some as a Trophy of Conquest or Absolute Government ; concerning which I will not Dispute, whether the *Normans* first brought in this Course, but shall rest in this, that the King being about to compleat the Unity of the Laws in superstructure, as well as in the Fundamentals, if herein, and in some other Particulars, the *English* submitted to the *Normans*, they likewise stoop'd to the *English* Law in other Things, and therefore such Concurrences ought not to be imputed unto a Conquering Power, but unto Moderation among a Company of Wifemen.

Thus having glanc'd at the Changes of Property, Laws, Tenures, Language, and some Customs, we come to that which is the main Occasion of all these Complaints, I mean unlawful Taxes, Affortings, and other such Oppressions upon the Estates of the People ; concerning which, I purpose not to contend, for much thereof is like to be true. The *Norman* King's (especially the two *Williams*) being under continual Occasion of Expence, many Wars, more Provocations, which kept them ever in Action, and that wrought their Spirits into an immoderate Heat, little inferiour unto Rage ; and so they might soon out-reach their Bounds and sit heavy on the People ; and in such Occasions no Man escap'd, *Norman*, nor *English*, Clergymen, nor Laymen ; nor did the Kings themselves come off such Gainers, but that they might sometimes put up their Gettings into their own Eyes and see never a Whit the Worse. And yet to do them Right, they were not always of such sad Influence, but had their *Lucida Internalla* ; especially he that had the least Cause, I mean the Conqueror, who certainly was a Man of a serious Regard, and did not only remit sometimes his Rigour in exacting, where he ought not, but also forbore to require that, which he had some Colour to demand ; for whereas the *Dane-Gelt* was

was left unto him in the Nature of an Annuity, he was contented to turn it into a Sum in Gross, and to demand it only *cum ab exteris gentibus bella vel Opiniones bellorum insurgebant*; and it was then done *consultis Magnatibus*.

These Things thus consider'd might have mollified somewhat the Pens of angry Writers; and where they fail, may be Caution to Readers to consider Occasions and Dispositions of Princes; and so long as Laws hold in Title, to construe the Irregularities of Princes to be but as Steps out of the Path, to avoid a little Dirt, that a Man may get Home a little more cleanly; and therefore rightly can derive no other Title of Absolute Sovereignty to their Successors than to hold by Infirmary. And thus the Government under the *Normans*, at the worst, was but like that of Childhood, following sudden and present Desires, not wise enough to Plot for Absolute Monarchy, nor to keep up a Polity, which still rooted underneath, tho' the Fruit, while it was now green, was harsh and unpleasant.

I shall conclude this *Norman* Discourse with this Advertisement; that notwithstanding the Words Conqueror and Conquest have often fall'n from my Pen, and hereafter may do the like, yet can I see no Reason why divers succeeding Kings coming to the Crown by Argument of the Sword, and not by Right of Descent, may not deserve the Laurel, as well as the first *Norman* King, only because Fame hath fancied him that Title, under a Kind of Prescription, I do the like.

(1) *William*.] This Name was not antiently given unto Children in Youth, but a Name of Dignity impos'd upon Men in regard of Merit, but being since grown into a very ordinary proper Name, *Verstegan* tells us, He thought good to place it among the rest of his proper Names.

For the Etymology hereof the Reader shall please to understand, that the antient *Germans*, when they had Wars with the *Romans*, were not Arm'd as they were, but in a far more slight Manner, having ordinarily Swords, Spears, Shields of Wood, Halberts and the like, supplying the rest with their great Strength and Valour; now when it so happen'd that a *German* Soldier was observ'd to kill in the
Field

Field some Captain or Charge-Bearer among the *Romans*, (such being well-arm'd, and their Helmets and Head-Pieces commonly gilt) the Golden Helmet of the slain *Roman* was (after the Fight) taken and set upon the Head of the Soldier that slew him; and he then honour'd with the Name and Title of *Gild-Helme*, which should according to our present Orthography be Gilt, or Golden Helmet, which growing afterwards unto an ordinary Name, because divers Names began with *Will* (as before some are noted) this was easily by wrong Pronunciation brought unto the like: Howbeit, among the *Franks* it kept the Name of *Guild-Helme*, and with the *French* (of their Offspring) it gat the Name of *Guilbeaume*, and since came to be *Guillaume*, and with the *Latines*, *Gulielmus*. (*Verstegan.*)

(2) *Waltham*] A Market Town of *Waltham-Hundred*, in the furthest West Parts of *Essex*. It stands on the East-side of the River *Lea*, which parts this Country from *Hertfordshire*, and was of great Note in the Times of *Popery* for its rich Abby. It is 12 Miles from *London*.

(3) *Hugh*] It is antiently also written *Heught*, and alienated among Strangers unto *Hugo*; a Festival Season they yet in the *Netherlands* use to call *Heughtyd*, i. e. Glad Tyde; for *Hugh* or *Heughe*, both being one, signifieth Joy or Gladness. It may be that our *Hoc-Tyde*, now corruptly so pronounc'd, did first come of *Heugh-Tyde*. (*Id.*)

(4) *Roger*] It was at first *Rugard* or *Rougar*, and afterwards *Rugar*, and with us lastly *Roger*; *Ro* or *Ru* is Rest or Quietness, *Gard*, to Keep or Conserve, so as *Rugard* (now *Roger*) is a Keeper or Conserver of Rest or Quietness. It is in *Latin* made *Rogerus*, in *Italian* *Rugiero*, and in *French* *Rogier*. And it may be that the *French* Proverb or Phrase of *Rogier, Bon temps*, i. e. *Roger* good time, may have some Allusion to the Original Meanings of this Name; for that Good is the Time which is conserv'd in Rest and Quietness. (*Id.*)

(1) *Henry*]

These

These Foundations of the Antient Worthies and Nobility, being laid by *William* the Conqueror, and oftentimes afterwards by his Successors, according to the various Occasions and Occurrences of Times gradually continued and augmented, began at length in the Reign of King *Henry* the III^d (1), and *Edward* the Ist (2), to shine forth with Brightness and Lustre, who having now Vanquish'd the *Welch-men* their Neighbours, and Contending with the *Scots* (3) Bordering upon them for Principality and Sovereignty; treating of all things concerning the Common-Wealth, with the three States of the Kingdom (which consisted of the Nobility, Clergy, and Commonalty) They themselves in their Royal Majesty Sitting in Parliaments, appointed to every Man a Pre-eminence according to the Place of his Dignity: From whom especially all the Nobility of our Age may seem to derive the Divers and Appointed Degrees of Dignities and Honours.

A King

(1) *Henry* III^d King of *England*, commonly call'd *Henry* of *Winchester*, because Born there, succeeded his Father King *John* (who was Poison'd by a *Monk* at *Swinehead-Abbey*) being but 9 or 10 Years Old. He had many Quarrels with his Nobility and Parliaments, about his breach of *Magna Charta*, and imposing unnecessary illegal Taxes;

Taxes; and at length they rais'd Armies against each other, and a great Battle was fought at *Lewis* in *Sussex*, wherein the King's Army was defeated; and himself, his Brother *Richard*, King of the *Romans*, and his Son Prince *Edward* were made Prisoners. After which a Peace was Concluded, but soon Broken, and the Lords falling out among themselves King *Henry* in a Battle at *Evesham* in *Worcestershire*, obtain'd a great Victory over them, and by a Parliament call'd the Mad Parliament, all the former Laws for securing the Liberty of the Subject were Damn'd, and King *Henry* restor'd to his former Authority, which he made use of with much Severity. After a life of 66 Years, and a very tedious and inglorious Reign of 56 (which was longer than any ever Reign'd before him) He dy'd in 1272, and was Buried at *Westminster*. He had by *Eleanor* his Queen 6 Sons, viz. *Edward* his Successor, *Edmund*, Surnam'd *Crouch-back*, *Richard*, who dy'd Young, *John*, *William* and *Henry*; besides 3 Daughters, *Margaret*, Married to *Alexander* the III'd, King of *Scotland*, *Beatrice*, Married to *John* Duke of *Bretagne*, and *Cathrine*, who dy'd Young. The best Character to be found of this King is his Charitable Temper, whereof he gave a large Proof, in Founding and Endowing the House of Converts, and an Hospital at *Oxford*; the first for such as forsook the *Jewish* Religion, the other for the Relief of Poor diseas'd People, Strangers and Pilgrims; nay, so remarkable was he for his Vertue, that *Leolin*, Prince of *Wales*, being much threatned by him, if he would not live in Peace, was heard to say, that he fear'd more the Alms-Deeds of the King, than all his Forces, and his Clergy to boot.

(1) *Henry* or *Henryc*] *Hen*, in the first Syllable hereof was antiently written *Han*, and so was antiently us'd for have, as may appear in divers of our Old *English* Writings, and to this Day in some parts of *England* they will say, *Han you any?* for, *Have you any?* *Ryc*, signifieth not only Rich, but also Possession or Jurisdiction; so as *Hanryc*, which now we write *Henry*, importeth as much as an *Have* of Wealth, Possession or Jurisdiction, and so in likelihood, a Name given unto such as were Heirs to some good Estates or Conditions of Living. (*Verstegan*).

(2) *Edward*

(2) *Edward* the 1st, King of *England*, Surnam'd *Long-Shanks*, from the Tallness of his Stature, and the Celerity of his Motions, succeeded his Father King *Henry* the 3rd, in 1272, when the Crown fell to him, he was with his Vertuous Queen *Eleanor*, in the *Holy Land*. He prov'd a Warlike, Wise, and Successful Prince; *Frante* he kept in Awe; *Wales* and *Scotland* he brought into Subjection, so that he receiv'd Homage of the King of *Scots*, and his Nobility, carrying away (as a Conqueror) the very Marble Chair, in which the Kings of *Scotland* us'd to be Crown'd. His Reign in *England* he made as easy as possible, by Good and Wholsome Laws, such as may justly entitle him to one of the best Law-Givers. His corrupt Judges he displac'd, and Fin'd, and made all his Justices Swear, that they would take no Bribe (or Gift) of any Man. He Banish'd the *Jews* for their Exactions; in the Parliament at *Lincoln*, on the Petition of the Peers, he utterly renounc'd the Supream Authority of *Pope Boniface*. Six Years after (in 1306) he dy'd at a small Town (call'd *Burgh upon Sands*) of a Dysentery or Bloody-flux, in the 68th Year of his Age, and 34th and upwards of his most Vigorous and Triumphant Reign, being infinitely Lamented by his Subjects, and was Buried in the *Abbey Church* of *Westminster*, at the Head of King *Henry* his Father, on the North-side of *St. Edward's Shrine*. Upon his Death-Bed he Charg'd his Son Prince *Edward* (whom he left his Successor, by the Title of King *Edward* the 1st, for himself was the 1st of that Name of the *Norman Line*, and the 4th from King *Egbert*) not to recall *Peirce Gaveston* from the Banishment he so justly merited, who by his vile Example and Instigation, led him into all manner of Lewdness and Debauchery. He had 2 Wives; *Eleanor*, Daughter of *Ferdinand*, the 3rd. King of *Castile*, and *Margaret*, Daughter of *Philip* the Hardy, King of *France*. By the 1st he had 4 Sons and 9 Daughters, but 3 of those Sons dy'd Young, and none Surviv'd him but *Edward*, his next Successor. By his 2d Wife he had 2 Sons and one Daughter, who dy'd Young. The Eldest of these Sons was *Thomas of Brotherton*, (so call'd from a Village of that Name in *Yorkshire*, wherein he was Born) Created Earl of *Norfolk*, and Earl *Marshal* of *England*, who had a Daughter, *Margaret*.

garet Dutcheffs of *Norfolk*; from whom is descended the present Noble Family of the *Howards*, by Inter-Marriage with the *Mowbrays*. The other Son *Edmund* of *Woodstock* was Created Earl of *Kent*.

(3) *Scots*] *Scotland* has as great Pretensions to Antiquity as any Nation in *Europe*. The *Scots*, according to their Historians, having possess'd that Kingdom for above 2000 Years, without ever being Conquer'd; that is, having their Crown on the Head, or their Laws from the Hands of a Foreigner, tho' they have at Times been Subdu'd by the *Romans* and *English*, and in a great measure over-run by the *Danes*. They plead also, as their particular Glory, a Line of 112 Kings, who can all of them deduce their Pedigree from *Fergus* the 1st, who was sent for by the People from *Ireland*, and came into *Scotland* about the time that *Alexander* the Great took *Babylon*, viz. 330 Years before Christ. As to the Original of the *Scots*; *Buchanan's* Opinion is, that they came first from *Spain* into *Ireland*, to avoid the Oppression of their Grandees, Intestine Seditions, and Foreign Invasions; and finding that Country Fruitful and Healthful, were quickly follow'd by Multitudes of their Country-men; so that *Ireland* being too little, they remov'd gradually into the Western Islands of *Scotland*, and then into the Country itself, which he affirms to be the constant Report, and Confirm'd by many Evidences. He will have them to be known then by the Name of *Scots*, and that while they were planting the Western Islands, the *Picts*, being *Scythians* or *Germans* were driven upon that Coast, and sought leave to Inhabit among them, which the *Scots* refus'd, as being straitned in room for themselves; but pitying them because of some Affinity, which they perceiv'd in their Language and Customs, advis'd and assisted them to settle in *Britain*, and gave them Wives, because they had no Women amongst them. *Cambden*, and some *Scotch* Historians, particularly the Prefacer to *Knor's* History, think the *Scots* derive both Name and Pedigree from the *Scythians*, and endeavour to prove it by a Ikeness of Customs, which may be reconcil'd with *Buchanan*, if we imagin, that either the *Spaniards* were Originally *Scythians*, or that a Colony of that People, not being settled to their liking in *Spain*, transported

transported themselves into *Ireland*. There are other *English* Historians, who think that the *Scots* are only a Remainder of the *Britons*, who fled Northward from the Roman Servitude; and this Opinion they Support from the Agreement that is still to be found in Language betwixt the *Welch* and the *High-landers*. Nor is it unlikely that there might be a good measure of Agreement in Language betwixt the *Britons* and the *Scots*, seeing the latter came from *Spain*, and according to Venerable *Bede*, the *Britons* came hither from *Armorica*, or *Britany*, which lyes on the Bay of *Biscay*, the North of *Spain*, being also planted with *Gaulick* Colonies. What the *Scots* say concerning their Antiquity hath been Oppos'd by some *English* Writers of no small Reputation, as *Humphry Lloyd*, whom *Buchanan* Confutes at large; *Cambden*, whom *Gordon* in his *Theatrum Scotia* takes to Task, and two other Learned Authors, viz. Dr. *Stillingfleet*, Bishop of *Worcester*, and the Bishop of *St. Asaph*, who are Learnedly answer'd by Sir *George Mack-Kenzey*, late Advocate to King *Charles*, and King *James VIIth* of *Scotland*. The Famous Arch-bishop *Usher* did also write on that Head against the *Scots*; and his Arguments are also taken Notice of by Sir *George*.

In short, the *Scots* complain that their Antiquity is only Attack'd because of the Antient Enmity betwixt the 2 Nations, and that their Records being first destroy'd by *Edward the Ist* of *England*, they are afterwards at a Disadvantage, and therefore have recourse to Foreign Authors to prove their Antiquity, as *Mercellinus*, *Tacitus*, *Seneca*, and *Mamertin* in his Panegyrick to *Maximinian*, where he says that the *Britons* had Wars with the *Scots* and *Picts*, before *Julius Caesar* Entr'd the Island. Its true, that the Passages of those Authors relating to this Subject are controverted; but the *Scots* have *Scaliger*, *Lipsius*, *Erasmus*, and other Learned Foreign Criticks on their Side; as also the Famous Chronologer *Gbr. Helvicus*, *Cluverius*, and other Foreign Authors. They further Observe, that the *English* Historians do not Agree among themselves on that Head, as *Bede*, an Antient and Venerable Author, and the first Native, who wrote with any certainty of our Antiquity, is contradicted by *H. Lloyd*; and *Heylin*, who inveighs against the *Scots* Antiquity, contradicts himself in

Alledging the Spurcitious Laws of their King *Evenus*, to the reproach of their Nation, when he does not allow that they had any such King; neither does Bishop *Stillingfleet* agree with *Cambden* and *St. Asaph*. Besides the Testimony of those Foreign Authors, the *Scots* insist upon the Laws still in Force, made by those Kings, who are denied ever to have had a Being; and on the League made betwixt *Charlemagne*, the Great Emperor of the *West*, in 791, and *Achaius*, King of *Scots*, which they reckon a Demonstration of their having been a more considerable People at that time, than their Antagonists represent, viz. as Confin'd to *Argyle*, a Corner of the Kingdom, and that but in a vagrant Condition.--As for the Efforts of this Nature made by *Offlabarly*, an *Irish* Historian, Sir *George Mack-Kenzie* ridicules them, as being a Groundless piece of Vanity; for tho' the *Irish* and the *Scots* be Originally the same, so as *Ireland* at first was call'd *Scotia major*, and that Part of *Scotland*, which the *Scots* then possess'd *Scotia minor*, it will not follow, nor does it any where appear, that ever the Kings of *Scotland* were Tributaries to those of *Ireland*, or that the great Things said to be done in *Britain* by the *Scots*, were really Acted by the *Irish*; the principal Reason that they have for Alledging that they were *Irish*, is because they were call'd *Transmarini*; but Venerable *Bede* explains that saying, *Transmarinas autem dicimus has Gentes, non quod essent extra Britanniam posite, sed quia a Parte Britonum erant remota duobus sinibus Maris interjacentibus*.--Those who are Curious may Consult the above-cited Authors on this Subject.

That which will be a further Proof of the *Scots* Antiquity, is what they Alledge as to their early Conversion to Christianity, viz. *Ann. Chr.* 203, in the 4th Year of *Donald* the Ist, when he and his Nobles were Baptiz'd, and the Christian Religion Publickly Establish'd, which had been Profess'd by many private Persons in the Kingdom long before. As to the first Preacher, Authors vary; but however that is, the Antients give sufficient Testimony of their having been early Christians. *Origen* reckons them *inter Primitias*. *Tertullian adversus Judeos* says *Britannorum inaccessa Romanis loca subdita*; many others also Testify the like.

(1) A King
A King

A King (1) then who may with us also be call'd a Monarch, having in himself the supreme executive Power (the Legislative being in him and the People (2), *i. e.* Lords and Commons) is of so great Majesty, as that beside God, and the Law of the Land, he hath no Superior; who from Equity and Justice seeking his chief Praise (when any Matter of greater Weight or Importance is to be Decreed and set down concerning the Welfare and Honour of the Common-Wealth) doth either make New Laws, before Conceiv'd by the proper States of the Kingdom, or else doth abrogate the Old; and free from all Homage for his Empire, is with the Sacred Solemnities of his Country, with a Royal Crown (3) by his Subjects Crown'd; whom afterwards we with so great Reverence Observe and Honour, both in time of Peace and War, as that (for-as-much as he himself is the Fountain of all Nobility) he may for his own Pleasure and good Liking, Bless and Grace whom he will with Offices, Dignities, Honour, Nobility and Riches.

But for a more full and plain Definition of an *English* King, take the Opinions of two Famous Lawyers, who lived, one in the time of *Henry* the III, the other of *Edward* I; their

Words are these; *viz.* God is Superior to the King, and the Law, by which he is made King; and his Court, *viz.* the Earls and Barons: the Earls (according to their Names *Comites*) are the King's Associates, and he that hath an Associate, hath a Master; and therefore if the King be unbridled (or which is all one, without Law) they ought to bridle him, unless they will be unbridled as the King, and then the Commons may Cry, *Lo Jefus*, &c. This was the Judgment of the Famous Lawyer *Bracton* (4) in *Henry* the III'd's time, of the State of an *English* King. Now for the Concurrent Testimony of the Lawyer also in *Edward* the Ist's time, as an Addition hereunto: Altho' (saith he) the King ought to have no Equal in the Land; yet, because the King, nor his Commissioners (in Case wherein the King intrencheth upon the Rights of any of his Subjects) can be both Judge and Party, the King by right ought to have Companions to hear and determine in Parliaments, all Writs and Complaints, of Wrong done by the King, the Queen (6), or their Children; and of those Wrongs especially, whereof Common Right cannot be had,

Nor is this the Opinion only of Lawyers, but it is the Law itself, to which the Royal Assent

Affent was added, and the same Seal'd with an Oath in the Solemn stipulation (7) made by the Kings at their Coronation, with the People than present in the Name of the Whole Body. If then the King be under the Law in Case of Direction, as by Stipulation he is bound; if he be likewise under the Law in Case of Transgression, to be judg'd by his *Comites* or Peers; certainly then an *English* King is but *Primus inter Omnes*, and not *Supra totum* (8). But I shall stop here, lest I be led by so Copious a Theme beyond the Limits I at first Propos'd. Amongst

(1) A King (as to the Etymology of the Word) our Ancestors the *Saxons* term'd *Coning* or *Cyning*, a Name signifying Power and Skill, which by way of Contraetion we now call King. This Name the *Saxons*, with a small Variation, had from the *Britons*, who call'd them *Koningh* or *Koninch*. In *French*, he is call'd *Roy*, in *Italian*, *Re*; in *Spanish*, *Rey*; all deriv'd from the *Latin*, *Rex*. (*Co. Inst.* 1. fol. 65.)

Now I shall give you the Signification of the Name of King out of *Verstegan's Restitution of decay'd Intelligence*; his Words are these, *viz.* This chief Name of most High and Sovereign Dignity among our Ancestors, was generally in the Antient *Teutonick* of two Syllables, and by some Change of Vowels (as both in this, and other our Antient Appellations, is often found) somewhat varying in Orthography, as Antiently Written both *Cuning* and *Cyning*; the first Letter C, being indifferently sounded, and used instead of K. We *Englishmen* have Abridg'd it into one Syllable, and so made it *King*; and the *Danes* and *Swedes* have made it *Kong*. *Cun*, tho' otherwise written *Cyn* being both one, doth signify Stout or Valiant; *ing*, as also some-

sometimes *ling* is a Particle often added to expresse the Endowments of a Quality ; as for Example, *Ethel* is in our Antient Language Noble, and an *Etheling* is one that is Endowed with Nobility ; a *Younglin*, one that is in his Youth ; a *Fremdling*, one that is Fremd-born, a Stranger, &c. *Cuning* is as much in Signification as one especially Valiant ; and this being the Title of the Chief of all, expresseth him the most apparent in Courage or Valour. And certain it is, that the Kings of most Nations were in the beginning Elected, and Chosen by the People to Reign over them, in regard of the greatness of their Courage, Valour and Strength, as being therefore best able to Defend and Govern them : And as *Olaus Magnus* (*lib. 8.*) writeth ; it was an Antient Custom in the *Septentrional Regions*, that such young Noblemen or Gentlemen, as gave greatest Proof of their singular Valour, were by those Country-Kings Adopted to be their Sons, yea, and to succeed in the Crown after them, if their own Sons were not thought to have in them such great Valour, as in those times was expected : And the Reason, why they Adopted such Sons, as aforesaid, and thereby made them capable of Succeeding them in their Kingdoms, was, for that (as they said) they might in their own Sons be deceiv'd, when they saw not how they would prove, but in their Adopted Sons they could not be deceiv'd, because they had seen of them sufficient Experience and Trial already.

Having given the Etymology of the Word King, it will not be impertinent or unnecessary to set down the several compellations of divers of our *English* Kings, and the Stile of every one of them from the Conquest to Queen *Elizabeth* of Famous Memory (whose Stile, with that of the rest of the Succeeding Kings and Queens down to his present most Sacred Majesty, our only Rightful and Lawful Sovereign King *George* being so well known, is Omitted) transcrib'd *Verbatim* out of *Coke's* first Book of the *Institutes of the Law of England* ; and I shall then make Use of *Selden* to Explain the following curious Particulars ; viz. Majesty in the Attributes of Supream Princes : The Use of it deduc'd into the *Roman* Empire : the Use of the Appellation of Persons by Abstracts ; Majesty, how express'd and us'd in the *Eastern* Empire : and Sacred Majesty ; Majesty and Grace attributed to the Kings of *England* ;

land; *Dei Gratia*, or by the Grace of God, in the Style of Supream Princes; and how communicated to such by Use as are of a subordinate Dignity. The Kings of *England*, antiently call'd only Lords of *Ireland*; the Deduction and Change of that Title; Defender of the Faith, when and how given to the Kings of *England*; the Title of Supream Head of the Church, which began in *Henry* the 8th, and by so doing I hope to make good the Title Page of this little Book, entitul'd, *An Historical and Critical Essay*, &c. First of the several Compellations of divers of our *English* Kings.

To *Henry* the 4th was attributed *Grace*.

To *Henry* the 6th Excellent *Grace*.

To *Henry* the 7th, sometimes *Grace*, and sometimes *Highbness*.

To *Henry* the 8th, *Majesty*; since which Time, that Style hath been improv'd to Sacred Majesty according to the Custom of the Eastern Emperors, who us'd *Asia Basileia*; whereas before Sovereign Lord, Leige Lord, *Highbness*, and Kingly *Highbness* were the several Compellations of our *English* Kings. The Title of *Sir* is also given to our King according to that of *Sire*, given to the French King, which is probably deriv'd from the Greek, *Kύει* Dominus: As for the Style of every one of our Kings from the Conquest to *Queen Elizabeth*; take it in the Manner following, as I have it *Verbatim* out of *Coke*, viz.

William the Conqueror styl'd himself *Willielmus Rex*, and sometimes *Willielmus Rex Anglorum*.

And the like did *William Rufus*, and sometimes *Willielmus, Dei Gratia Rex Anglorum*.

Henry I. *Henricus Rex Anglorum*, and sometimes *Dei Gratia Rex Anglorum*.

Maud, the sole Daughter and Heir of *Henry* I. wrote *Mathilda*, Imperatrix, *Henrici Regis Filia & Anglorum Domina*. Divers of whose Creations and Grants I have seen.

K. Stephen with the Style that he did.

Henry 2d *Fitz Emprice*, omitted *Dei Gratia* and us'd this Style; *Henricus Rex Angliæ*; *Dux Normaniæ & Aquitaniæ*.

Aquitaniæ & Comes Andegaviæ; he having the Dutchy of Aquitain, and Earldom of Poitiers, in the Right of Eleanor his Wife, Heir to both; and the Earldom of Anjou, Tourney and Main, as Son and Heir to Geoffery Plantagenet, by the said Maud his Wife, Daughter and sole Heir of King Henry the 1st. She was first married to Henry the Emperor, and after his Death to the said Geoffery Plantagenet; which Dutchy of Aquitain doth include Gascoine and Guyen.

Richard the 1st us'd the Style that Henry the 1st his Father did, yet was he King of Cyprus, and after of Jerusalem, but never us'd any of them.

King John us'd that Style, but with this Addition, Dominus Hiberniæ, and yet all that he had in Ireland was conquer'd by his Father King Henry the 2d, which Title of Dominus Hiberniæ he assum'd as Annex'd to the Crown, albeit his Father, in the 13th Year of his Reign, had created him King of Ireland in his Lifetime.

King Henry 3d styl'd himself as his Father King John did until the 44th Year of his Reign; and then he left off his Style Dux Normaniæ & Comes Andegaviæ, and wrote only Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ.

King Edward the 1st styl'd himself in like manner as King Henry the 3d his Father did. And so did King Edward the 2d during all his Reign.

And King Edward the 3d us'd the self same Style until the 13th Year of his Reign, and then he styl'd himself in this Form, viz. Edwardus Dei Gratia Rex Angliæ & Franciæ, Dominus Hiberniæ, leaving out of his Style Dux Aquitaniæ. He was King of France as Son and Heir of Isabella Wife of King Edward the 2d, Daughter and Heir of Philip le Beau King of France. He first quarter'd the French Arms with the English in his Great Seal. A. D. 1338, & Regni sui 14.

King Richard the 2d, and Henry the 4th us'd the same Style King Edward the 3d did.

And King Henry the 5th until the 8th Year of his Reign continu'd the same Style, and then wrote himself Rex Angliæ Heres & Regens Franciæ, & Dominus Hiberniæ, and so continu'd during his Life.

King

King Henry the 6th wrote Henricus, Dei Gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ. This King being crown'd in Paris, King of France, us'd the said Style 39 Years, till he was dispossest of the Crown by King Edward the 4th, who after he had reign'd also about 10 Years, King Henry the 6th was restor'd to the Crown again, and then wrote Henricus, Dei Gratia Rex Angliæ & Franciæ & Dominus Hiberniæ, ab Inchoatione Regni sui 49.; & Recaptionis Regiæ Potestatis primo.

King Edward the 4th, Richard the 3d, and Henry the 7th, styl'd themselves Rex Angliæ & Franciæ & Dominus Hiberniæ.

King Henry the 8th us'd the same Style till the 10th Year of his Reign, and then he added this Word (Octavus) as Henricus Octavus, Dei Gratia, &c. In the 13th Year of his Reign, he added to his Style Fidei Defensor. In the 22d Year of his Reign, in the End of his Style he added Supremum Caput Ecclesiæ Anglicanæ. And in the 23d of his Reign he styl'd himself thus, Henricus Octavus, Dei Gratia, Angliæ Franciæ, & Hiberniæ Rex, Fidei Defensor, &c. & in Terra Ecclesiæ Anglicanæ, & Hiberniæ Supremum Caput.

King Edward the 6th us'd the same Style.

And so did Queen Mary in the Beginning of her Reign; and by that Name summon'd her first Parliament; but soon after omitted Supremum Caput. And after her Marriage with King Philip, the Style, notwithstanding that Omission, was the longest that ever was, viz. Philip and Mary, by the Grace of God, King and Queen of England and France, Naples, Jerusalem, and Ireland, Defenders of the Faith, Princes of Spain and Sicily, Arch-Dukes of Austria, Dukes of Milan, Burgundy and Brabant; Counts of Habsburgh, Flanders, and Tyrol. And this Style continu'd till the 4th and 5th Years of King Philip and Queen Mary, and then Naples was put out, and in place thereof both the Sicilies put in, and so it continu'd all the Life of Queen Mary.

I need not mention the Style of Queen *Elizabeth*, King *James*, nor of our Sovereign Lord King *Charles*, because they are so well known. (*Co. Inst. 1. Fo. 7.*)

I omit also their Style, and that of the succeeding Kings and Queens after them, for the same Reason, which I advertis'd the Reader of before.

Now for the Great *Selden's* Explanation of the curious Particulars above mention'd; and first of Majesty in the Attributes of Supream Princes.

Supream Princes (saith *Selden*) are also in the 2d and 3d Person commonly styl'd by that Abstract, which designs their Greatness; The Name of Majesty; as your Majesty, his Majesty, and his Catholique Majesty for the King of *Spain*; Imperial Majesty, or *Keyserlick Majeftaet* for the Emperor. The 2d Article; This came into the Kingdoms of *Christendom* from the Use of it in the *Roman Empire*, where it was, as well in the 1st, as 2d and 3d Persons given to the Emperor. The Word of it self denotes all Kind of special Dignity (as if we should say in *English* a Greaterness) as well in Private Persons as Supream Princes and Deities, which is Elegantly deliver'd by *Ovid*, (*Fastorum, Lib. 5.*) where he makes *Polyhymnia* relate that in the elder Times, *Par erat Omnis Honor*; there was no such Distinction of Place among the Gods, but that every one sat any where at Pleasure.

*Sæpe aliquis folio, quod tu, Saturne, tenebas,
Ausus de Media Plebe sedere Deus.*

And that this continu'd until Honour joyn'd with Reverence made an Alteration - - - -

*Donec Honor placidoq; decens Reverentia vultu
Corpora legitimis imposuere toris.*

Of these Two (says he) Majesty was born; and she being seated in the highest Throne of the Gods, Fear and Respect were plac'd among them; nor was there a Deity, which did not address and compose himself to her; and thence came the Distinction and Admiration of several Dignities among the Gods. Thus (saith he) Majesty continu'd among the Gods until the Rebellion of the Gyants
against

against *Jupiter*, whose Kingdom she defends by the Greatness only of her Presence, and unarm'd; that she came down also among Men; and that since her coming down, both Supream and Subordinate Princes, and some also of all Kinds, have had their Special Dignities from her Presence with them; whence it is that *Majestas Pueri*, *Majestas Matrone*, *Majestas Virginis* and such like, have denoted the Singular Dignity, Worth or Quality of a Child, a Matron, a Virgin. Thus *Ovid*. So that Majesty generally denoted the singular Quality or Dignity of such as were especially eminent among those, who otherwise had their Degrees of great Estimation; as *inter magna Ingenia, Majoribus vere inest hac Majestas*; *Et inter Magnanimos, eorum qui Majori animo res gerunt, Majestas luget*; and so in other Particulars; In this Sense *Valerius Maximus* uses it, where he says, That when *Cato* went out of the Theatre, because he would not see the Mimicks present themselves naked in it; the Spectators with great Acclamations profess'd, *Plus se Majestatis uni tribuere quam universis sibi vindicare*. And Examples enough he hath in his Chapter *De Majestate*, for the Explication of the Word in this Sense. But as it hath happen'd to many other Words (which have been restrain'd to particular Use from a General) so to this of Majesty: It became to be Applicable chiefly, and in most Use that occurs to the State of *Rome*, and denoted the Supream Dignity of it. *Majestas Populi Romani* is frequent in *Cicero*, *Quintilian* and other good Authors to that Purpose, and signifies the Empire and Power of the People of *Rome*, as *Polybius* (*in legatione in fœd. Ætolorum*) *tum Majestas Populi Romani*. Afterwards this Majesty of the People, or of the whole Empire and State, was cast upon the Emperors, and then it was *Majestas Imperatorum*. Neither was it long after the Beginning of the Empire, but that in Inscriptions to the Emperors, the Conclusion grew to be frequent, *Numini Majestatiq; ejus Devotissimus* or *Dicatissimus*, often express'd only by Singles thus, N. M. Q. E. D. Hence also *Augustalis Majestas* is us'd by *Justinian* for the Person of the Emperor, and *Imperialis Majestas*. And in the first Person *Honorius*, and *Theodosius*, and other use *Nostra Majestas*, &c.

But

But concerning the Use of this in the Empire, some scruple hath been made upon a Passage in *Trebellius Pollio's* Lives of the *Galliens*. Speaking there of *Valerian*; *Quis alius* (saith he) *potuit esse Valerianus nisi Gallieni Frater?* *Constat de Genere, non satis tamen constat de Dignitate, vel, ut Caperunt Alij loqui, de Majestate*; meaning that it was agreed of what Stock or Alliance *Valerian* was, but it was a Doubt whether he had been Emperor, or *Cesar* (or Prince) or design'd Successor only, which he expresses by saying, *Non constat de Dignitate*, or as others then began to speak, *De Majestate*, as if the Name of Majesty had then first begun to be us'd in Designation both to the Emperors, and of the rest of the greater Dignities in the Empire; but it is clear, that it was thus us'd in Devotions to the Emperor, long before that Time, as appears by the Inscriptions before remembred. Neither is there Testimony enough to prove that it became now to be apply'd to the rest of the greater Dignities as some Learned Men would have it; but rather it is to be understood, that in this Age of *Trebellius*, the Name of Majesty began to be applied, as well to the Dignity of *Cesar*, as of the Emperor, whereas before it was in this Kind of Sense, proper to the Emperor only.

From the Use of Majesty thus applied came the Name of *Crimen Majestatis*, to denote that Offence which was committed against either the Dignity of the State of *Rome*, or against the Emperor, and also of both together. This Expression of the Emperors by the Abstract *Majestas* (wherewith *Numen* also was commonly joyn'd in Inscriptions) became, it seems, the Example, by which the ensuing Times brought in the Frequency of those other Abstracts, which design'd the Emperors as well in the 1st, as 2d and 3d Person; as *Perennitas*, *Eternitas*, *Tranquillitas nostra*, *Serenitas*, &c. For before the Empire was reduc'd under one, it was not come into Fashion to use Appellations of Honour or otherwise to any Person by the Abstract, but in the *Concrete* only. But after that *Numen* & *Majestas* came thus into Custom, it became very frequent also to express other Persons of Dignity by such Kind of Abstracts; (this is the 3d Article) as *Præfeti Prætorio*, Pro-Consuls, and such more by *sublimitas tua*; *excellencia tua*; *Celsitudo tua*, &c. And in the same way also came

came *Beatitudo tua* ; *Sanctitas tua egregia* ; *Dignatio tua* ; *Praestantia tua*, &c. in Letters of Special Quality either in Church or Common-wealth.

The 4th Article relates to the Attribute of Majesty in the *Greek Empire*. This Attribute of Majesty in the *Greek Empire* was denoted by their Word *Βασιλεία* ; and the Emperor had it with the Addition of *Ἁγία* ; as *Ἁγία Βασιλεία*, or Sacred Majesty ; but also it was communicated to those three *Constantinopolitan* Dignities, the *Despots*, the *Sebastocrators*, and the *Cæsars* ; and their Majesty, in speaking to them, was distinguish'd from the Emperors by the Omission of Sacred ; but the Emperor had that Addition only in the 2d and 3d Person ; for in the first he us'd only *ἡ Βασιλεία μου*, i. e. my Majesty. And that of Sacred Majesty is frequent in use to this Day, both in the Empire and other Kingdoms of *Europe*. And since the End of the *Greek Empire*'s swallow'd up into the *Turkish*, the *Greeks* in their Letters to the Kings of *Europe* use this *Βασιλεία* for *Majestas*, as I have seen in Letters from *Germanus*, Patriarch of *Jerusalem*, to our *Henry* the 8th for Succour to the distress'd Christians of those Parts ; nor indeed have the *Greeks* any fit Word to express Majesty (but *Βασιλεία*) as the *Latins* do. For the *Latins* (whence other Tongues have it) make it from the comparative *Major*, as if in *English* from Greater, we should say Greaterness. But the nearest to it in *Greek* is *Μαλαίτης*, which is not properly *Majestas*, but *Magnitudo* only ; howsoever in some small Glossaries it be turn'd as well by the one as the other. This of Majesty is every where known at this Day as an Abstract, attributed to the Kings and Emperors, and their Empresses, and Queens ; and it is distinguish'd by *Cæsarea*, or *Keyserlich* for the Emperor, as by *Catholica* for the King of *Spain* ; however some have ignorantly enough given that Title to the Grand Signior in Letters to him, as I have seen in some few Examples ; but the Duke of *Venice*, who acknowledges no Superior, uses it not, but only Highness, or *Altezza*, or *Celsitudo* ; when it began (to make good the 5th Article) to be of Use in every particular Kingdom, I know not ; neither can I agree with some Learned Men, who deliver, that it came into Use, in *England*, in the Time of *Henry* the 8th, unless they understand, that in his Time, it was of more ordinary

ordinary Use in designing the King under these Words of his Majesty, or the King's Majesty; for indeed in the most usual Expressions before (as appears thro' the Parliament Rolls) our Lord, the King, in the 3d Person denoted our Sovereigns; but it is clear, that the Kings of the elder Times here were often saluted by *Majestas tua* in Letters to them, as I have seen, not only in Letters to *Henry* the 4th, *Edward* the 1st, and others, but also in the Letters of *John* of *Salisbury* to *Henry* the 2d, and such like, that infallibly justify it; and in a Letter of Pope *John* the 22d, to *Edward* the 2d, or 3d, about *Ireland*, *Magnitudo tua* is instead of it; neither are we without Examples of these Kind of Abstracts us'd in the 1st Person by our Kings, as they were by the Emperors.

In the Charter of Creation of *Humphry* Earl of *Buckingham* into the Title of Duke of *Buckingham*; *Consideravit nostra Celsitudo Regalis* (saith *Henry* the 6th. Cart. 23. Membr. 32. Num. 33.) *inter Ceteros Nobiles & Principes nostre serenitati subiectos*, &c. And King *Edward* the 4th, in his Creation of *Thomas Grey* Earl of *Huntingdon*, (afterwards Marquess of *Dorset*) begins with *Scialis quod cum nostra Majestas Regia ab Immortali Deo post Maximas de inimicis nostris partas victorias ad Regni culmen & solium Hereditarium sublimata existat*, &c. But for that of Sacred Majesty, it is true, I think, that in our Memory, or the Memory of our Fathers, the Use of it first began in *England*. Neither is it at all to be regarded, that some would make it an Usurpation of the Attribute of Majesty, while Emperors or Kings have it; as if it were proper only to God. They might as well deny Wisdom, Power, Clemency, or any other Quality to be attributed to Men because those also, as all else that is Great and Good, are primarily in him. The like might be said perhaps in full Answer to them who Quarrel at *nostra Divinitas*; *nostrum Numen*; *caeleste Oraculum*; *Adorandum Rescriptum*; *sacrum Oraculum*, and such more attributed to the old Emperors, and to *Theodosius*, *Valentinian*, and others who were Christians, both in the 1st and 3d Person, as the Matter requir'd. Frequent Examples occur of them in both the Codes: Why *Divinitas*, and the like may not be as well applied to them as *Divi*, or *Dij*, I understand not.

The most ordinary Expressions of the *Lacedemonians*, when they admir'd a Man, was, that he is a Divine Man; and it was Proverbial (as *Aristotle* shews *Ethic. 7. C. 1.*) among them in *Greece*, that Men became to be reputed, or call'd Gods from the Excellency of their Heroick Vertues; and these Vertues, and themselves also were (as he says) call'd Divine by way of some Similitude, or by way of Participation with the Deity, being all Goodness and Excellency; as the contrary Quality, *i. e.* Inhumanity or Barbarousness is nam'd *Θεισμός*, or *Feritas*, because it is most like to what is Bestial; so that, as he who affirms that a Barbarous or Inhumane Fellow, *Θεισμός* or Bestial, makes but an high Expression of his Ill, not at all supposing him to be really a Beast; so on the other side *Divinus*, or *Divinitas*, or the like, expresses only an Admirati- on of Excellency, which hath its highest and first Example in the Deity, and is by Similitude, or Participation in the Person to whom it is attributed.

Dei Gratia, or by the Grace of God, in the Styles of Supreme Princes, and how communicated by Use, to such as are of a subordinate Dignity makes the 6th Article -- In the Expressions also of Great Princes, they are styl'd to be so, *Dei Gratia*, or by the Grace of God, which is familiarly seen in the Titles of the Kings of *France*, *England*, *Spain*, *Denmark*, and others of *Europe*. And this is conceiv'd by some, as if it were proper only to Supream Princes; so says *Chassaneus*, and therefore he thinks it not competent for the Duke of *Burgundy*, as Duke; so *Rebuffus*, a great Lawyer of *France*: And *Lewis* the 11th of *France* prohibited *Francis*, then Duke of *Bretagne*, the Use of it, as of that, which was unfit for any other, than such a Prince, as acknowledges no Superior; But indeed all Things of this Nature having their Being, Continuance, and Lawfulness out of Use only, and such consent of Persons and Times as arbitrarily establishes, enlarges, or restrains them, the Truth is, that it is not of itself only proper (nor was it ever so accounted) to Supream Princes, but from them also communicated to their Subjects of greater Note, and to such also frequently, as are not at all Princes; yet in that communicating of it also, this is still to be observ'd, that where it hath not been settled in a Subject by some lawful Title, then the Use of it

by him may justly be conceiv'd for an Usurpation upon the Supream Dignity, on which he depends ; for it is taken (it seems) to import in its self as much as an Assertion of being Independent upon any, save God himself.

But, as some Prerogatives that are of themselves meerly Imperial or Royal, are yet by Grant or Prescription transferr'd unto Inferiors, so the use of these Words, by either of those ways may be acquir'd to the Style of a Subject ; all which in Substance is judiciously deliver'd by that great Lawyer of *Spain*, *Marcus Salon de Pace*, (*Proem. Relect. in Leg. Taurin. 36.*) whom the Reader is desir'd to consult ; and by this Reason of his, which relates to *Spain*, it may be conceiv'd with us in *England* and in *France*, that the Application of *Dei Gratia* to the Style of any of the Lay-Peers, or Lords, should be taken as unjust, being not antiently us'd and continu'd among them, but restrain'd to the King only : But there's no necessity to be of his Opinion in this, that in that Style of *Joan Queen of Castile* (for of her he speaks) the *Por la gracia de Dios*, should have as much Relation to her Title of Dutchess of *Burgundy*, as it hath to her Title of Queen of *Castile*, *Leon*, *Aragon*, &c. There is no necessity of it, in regard only of the Expression, no more than the old Styles of the Kings of *England* (when they wrote themselves according to their Possessions, By the Grace of God Kings of *England*, *France*, Lords of *Ireland*, and Dukes of *Normandy* and *Aquitain*, and Earls of *Anjou*) necessarily import that they were *Dei Gratia Duces Aquitanie*, &c. The *French* King might as well have quarrell'd at that, as at the Style of the Duke of *Bretagne* ; all these Dutchies and that Earldom being antiently and equally Fiefs of that Kingdom ; and the Words might very well be so conceiv'd, that *Dei Gratia* should relate only to the Supream Titles, and not to those subordinate ; no otherwise than in the Style of *William* Bishop of *Ely*, under *Richard* the 1st, the *Dei Gratia* had (as I conceive) Relation to his being Bishop only, not to his Office of Chancellor, or Chief Justice of *England*, or to his being Legate to the Pope. For those plainly he could not pretend to have otherwise than *Regis aut Pontificis Gratia*. ---- Thus he us'd to expresse himself, *Willielmus Dei Gratia Eliensis Episcopus, Domini Regis Cancellarius, Totius Angliae Justiciarius*.

Justiciarius, & *Apostolica sedis Legatus*. (Matt. Paris pag. 216.) The same may be said of John of Gaunt, who wrote himself *Dei Gratia Rex Castelle & Legionis, Dux Aquitaniae, Lancastriae, &c.* Plainly his *Dei Gratia* had reference to his supream Title of King only, not to his Dutchies or Earldoms. But for another Cause it might perhaps have reference to the Dutchy of Burgundy, in that of Joan, Queen of Castile, i. e. in regard of the Dutchy, as it is conceiv'd to be a Fief of the Empire of Germany. For the Custom there, both of antient and the present Time, is, that their subordinate Princes write *Dei Gratia*, as well as the Emperor. For in the Styles of the Arch-dukes of Austria, the Dukes of Saxony, of Baviere, the Counts Palatins of the Rhine, the Marquesses of Brandeburgh, and such more, it is obvious; and the Landgrave of Hesse hath it familiarly in his Astronomical Epistles to that great Restorer of Astronomy, the Noble Dane Ticho Brache. Nor is that True which some affirm concerning the Earl of Flanders, that the use of these Words is a singular Prerogative among Counts, to that Earl only, and that none besides him might lawfully use it. And I remember in the Turkish Stories some Bashaws use this *Dei Gratia* in their own Stiles. And the Dukes of Venice, who have their Power from the State there, yet style themselves always *Dei Gratia Dux Venetiarum*, as well in their Seals, as Inscriptions.

But also both in the present and elder Times, it is frequently in the Stiles of Spiritual Lords. The Titles of Epistles in John of Salisbury; of Fulbert Bishop of Chartres; Gilbert of Vendosme; Anselm and divers such more in the elder Ages, have store of Examples for that Matter. Neither is any thing more common in the Instruments of Bishops and Abbots in the Leiger Books, or Chartularies of Monasteries, yet remaining in divers Hands, and in the Old Registers of the Arch-bishop of Canterbury, the Bishop of Winchester, and in such more.

And for the latter Time to this Day by the Stile of the Chancery, in the Summons of our Parliaments, and Writs to Assemble or Prorogue the Convocations, the King gives to the Arch-bishops the Attribute of *Dei Gratia* in this Form. *Jacobus Dei Gratia, &c. Reverendissimo in Christo Patri Pradilecto & Fideli Consiliario Nostro Georgio,*
B b 2 eadem

eadem Gratia Archiepiscopo Cantuariensi, &c. but in Warrants and Commissions to them, that of *Eadem Gratia* is most commonly omitted: and in like sort, the other parts of the Title being Chang'd as Use directs, are the Writs to the Bishops; and in Writs of some other Nature it is in the Register and *Fitzherbert* in like Form, but not always given to Bishops. But altho' it be so given them in the King's Writs, yet at this Day they use it not in the first Person, but *Dei Clementia*, or *Providentia divina*, altho' in the antienter Times *Dei Gratia* be familiarly Inserted in their Titles.

The antientest Use of it in the Empire, as I remember, is about *Charles* the Great; for in some of his Patents it is Inserted. The *Roman* and *Greek* Emperors before him (as I think) us'd it not; neither was it constantly Observ'd in the Stiles of his Successors till the latter Ages. *Otho* the III^d. titled himself sometimes nothing but *Servus Apostolorum*, as in one of his Charters to the Church of *Hamburg*; and in other Charters, *Servus Apostolorum, & Secundum Voluntatem Dei, Salvatoris, Romanorum Imperator Augustus*, as in that of his to Pope *Sylvester* the III^d. Other different Titles of the *German* Emperors since him until the latter Ages, are likewise Obvious without this of *Dei Gratia*. But by the *Greek* Emperors I have not observ'd it at all us'd. Instead of it they had their *Θεοσις* or a *Deo Coronatus*, which implied *Dei Gratia*, but was but now and then us'd by them; the more ordinary and latter Expression of them being by *ἐν Χριστῷ τῷ Θεῷ πιστὸς Βασιλεὺς &c.* i. e. Trusting in Christ, that is God; or by *ἐν Θεῷ Βασιλεὺς τῶν Ῥωμαίων*, as I have seen in some Coins of *Leo* the VIth, and others of the Eastern Empire: But as in the Western there was some Use of it after the Translation from the *Greeks*, but not such as was fix'd as an essential Part of the Expression until a later Age (which may be about 400 Years since) so also in other Kingdoms of Christendom some Use of it was very Antient, and perhaps near as old as of Christianity in them; but it was not any where fixt by a certain and known Stile of the Chancery, or Observation of Secretaries until about 1200 Years after our Saviour's Birth. And with us in *England*, *Ine*, a *West-Saxon* King, who lived many Years before *Charles* the Great, uses it, as may be seen in the Preamble

to his Laws ; and so do some of his Successors. But until about our *Henry* the III^d, it was not of so constant Use, as that the Title of the King necessarily requir'd it. And indeed at this Day, instead of it, sometimes *Divina favente Clementia*, or the like, is Inserted in the King's Stiles, as appears expressly in that diligent and useful Collection of Instruments touching the late Troubles of *Bohemia*, Publish'd by *Gaspar Lundorpius*---And for the use of *Dei Gratia* in the Stiles of Persons either of supream or subordinate Dignity hitherto.

The 7th Article is, The Kings of *England*, antiently call'd only Lords of *Ireland*; the deduction and change of that Title, for the fuller expression of Majesty ; other Attributes also have been given to supream Princes, which be Names as essential as those of Emperor and King, yet are they not Convertible with them, nor so particularly design them. Those are chiefly *Domini* and *Dij*, or Lords and Gods, which are communicated also to some others, which are subordinate ; for that of *Dominus* or Lord, it was frequent in the *Roman* Empire : But *Augustus* utterly refus'd it, and by Publick Edict prohibited it to be given him ; neither would he suffer his Children or Nephews to use it in their Compliments, or other Language to each other. For it was a fashion about that Time for every Man to salute his Friend with the flattering Language of *Dominus* and *Rex* as it is plain out of *Martial* (*Epig.* 68. *Lib.* 1. *idem Lib.* 1. *Epig.* 113. *Lib.* 4. *Epig.* 84, &c.) Neither would *Tiberius* endure this Title, not so much as in common Salutation ; whereupon that Great Historian and States-man (*Tacit. Annal.* 2.) observes, *unde Augusta* *Et lubrica Oratio sub Principe, qui libertatem metuebat, Adulationem oderat.* And to the same purpose *Statius* (*Sylvar.* 1. in *Kl Decemb.*) speaks to *Domitian*.

*Tollunt innumeras, ad Astra, voces,
Saturnalia Principis Sonantes,
Et dulci Dominum favore Clamant ;
Hoc solum vetuit licere Caesar.*

Which yet must either be referr'd to meer Flattery or Dissimulation or else to the Infancy of his Empire. For by his express Command, the Titles of his Letters, and such like, were *Dominus* *Et Deus noster sic fieri jubet*

(*Suet. in Domit. Cap. 13.*) And *Caligula* before him Publickly also endur'd it. After *Domitian*, the first that permitted himself to be stil'd by this Title, was *Diocletian*, who, as *Victor* saith, *Se primus Omnium Caligulam post Domitianumque Dominum palam dici, passus, Et adorari se, appellarique uti Deum.* Afterwards *Julian* the Apostate, after his counterfeit Fashion prohibited it also; But howsoever in Publick Salutations it might be so much avoided, both by Good and Bad Princes before *Diocletian*, yet both before and after him, it was promiscuously given them. *Festus*, Lieutenant of *Jury*, in that of *St. Paul's* Appeal (*Act. Apost. 25. Com. 26. Kver*) calls *Claudius* absolute Lord. *Eudemon*, in his Petition to *Antonius*, calls him Lord Emperor; and the Emperor in his Answer Siles himself Lord of the World. And in a Gold Coin, of the Great and Religious *Constantine*, stamp'd with his Picture sitting, and his Court-Guard about him, the Inscription is; *Felicitas perpetua augeat Rem Domin. Nost.* By which, and the like, our most judicious *Cambden* (*Brit.*) observes, that this *Constantine* was the first that us'd this Title in his Monies and Publick Inscriptions. In the 10th. of *Pliny's* Epistles also, *Trajan* is for the most part call'd *Domine*: altho' his Panegyrick to him hath *Principis Sedem obtines, ne sit Domino locus.* And the Emperors are call'd *Rerum Domini* by *Sidonius Apollinaris*

---*Mea Callia rerum* (saith he)
Ignoratur adhuc Dominis ---

(*Panegyric ad Majran.*) And *Lucan* also speaking of the beginning of the Empire in *Julius Caesar*, from whence those Titulary Attributes of Greatness had their Original in *Rome*, says

*Namque omnes voces, per quas jam Tempore tanto
Mentimur Dominis, hac primum repperit atas.*

Neither *Dominus* only, but *Herus* also was given them as the most Learned *Casaubon* Observes upon *Sueton's Octavius*. And for the latter times, frequent Testimony occurs in the Imperial Story. The Greek Constitutions and other Testimonies of the *Constantinopolitan* Emperors

perors commonly give them the Name of *Kύε* *i. e.* Lords, for which in their latter corrupted Idiom, you shall have often *Kύε*, sometimes *Kύε*, and *Kύε*; whence in some Passages *Kursac*, and *Sursac*, and the like (especially in the old *French History* of *Geoffry Ville harduin*) occur being no other than corrupted from *Kύε* or *Kύε* *Ιουάν* --- Neither were *Justinian* and *Theodora* his Empress content with the usual Names of Emperor and Empress, when any Address of Speech was made to them, unless *Δεσπότης* or Lord, and *Δεσπότης* or Lady, were together also given them.

The Use also of the Title of Lord given to supream Princes, hath been in every Kingdom of our *Europe*, as also in the *Mahumedan* State, where they have the Name of *Ameras*, *Amir* or *Amera* (applied to the Great Sultan, and from him communicated to others) which truly (as that of Sultan doth) may express *Dominus* or Lord. And for that of *Bedin*, affirming (*de Repub. lib. cap. 9.*) that by a Law in the *Alcoran*, none was permitted to bear the Name of Lord, but their *Caliphs*; I believe he was deceiv'd, neither could I yet meet with any such Law, or any Example to justify his Assertion. But as some of the Emperors refus'd this Name, either because it seem'd a relative to *Servus*, *i. e.* a Bond-Slave, or in respect that it suppos'd (if ill Interpreted) the Subject, and his Substance, in the Property of the Emperor; (for in the Laws of the Empire, *Domini Appellatione continetur qui habet proprietatem, & si usus fructus Alienus sit*; And *Augustus*, that so much refus'd it, could yet be very well contented to be made a God while he yet liv'd). So an Old *Jewish* Sect, mov'd in a point of Conscience with Error, would by no means acknowledge it to any Earthly Prince, affirming it was only proper to the Monarch of Heaven. The Author of this Sect was *Judas* of *Galilee*, under *Tiberius*; he and his Followers stood so perversely for the Nominal Part of Liberty (being in other points meer *Pharisees*) that no Torments could extort their Confession of this Honorary Title to the Emperour. This *Judas* is mention'd in the *New Testament* (*Act. Apost. Cap. 5. Com. 37.*) Their Herefie thus generally is spoken of by divers, receiving it from *Josephus*. But their Scruple might easily be satisfied with that of the Emperor *Cantacuzen*; Indinitely or Absolutely

lurely (saith he, *Apolog. 8. Advers. Mahomet.*) the Name of Lord is only due to God, but Man hath it with some particular Addition of Person or Place, in regard of which he is so Titled, But now, and from Antient time, without Scruple, both Kings and also their greater Subjects are usually saluted and written with the Attribute of Lord, or *Dominus*, or *Dominator*; as in *Dominator* in *Asia* and *Africa*, in the Stile of the Kings of *Spain*. But *Dominus* is here remembred under that Notion only, by which it is a distinguishing Attribute of Greatness, and not as it is a word of ordinary Salutation among all Men of the better Rank. *Seneca*, I remember, somewhere notes of the *Roman* Custom, by which every Man, whose Name occur'd not, was Saluted *Domine Frater*, that 'tis frequently in the Epistles of *Sidonius Apollinaris*, and other; and in *Sidonius* sometimes *Domine major*; or as every Batchelour of Art, or Vicar, or Parson, is call'd *Domine*, and the like. But the Name *Dominus* is here to be thought of only as a distinguishing Attribute of Greatness, and as our *English* Word Lord is, and that without any Relation of it to an Interest of Property, or to Servitude, and only as it denotes such Superiors as King, or Subjects of the greater Nobility with us, and Men of special Eminency in other States, known by the Names of *Heeren*, *Dons*, *Sieurs*, *Signiors*, *Seigneurs*, *Sennores*, *Seniores*, and the like. And as Kings with their Subjects of the greater Name have been ever styl'd by *Dominus*; so Queens have had and us'd the Name of *Domina*, or Lady. *Maud* the Empress call'd herself *Imperatrix Henrici Regis Filia &c Anglorum Domina*. And *Domina Hibernia* was ordinarily in the Styles of our *English* Queens, before it was alter'd under *Henry* the 8th.

This Title of Lord is specially Observable in that Antient Style, of the Kings of *England*, wherein they were call'd *Domini Hibernie*, or Lords of *Ireland*, and not Kings of that Island, untill towards the end of *Henry* the 8th. For the Deduction and Change of that Title, is thus; When the Island grew antiently full of Petit Kings (some of them Converting their Government into intollerable Tyranny, which others not enduring, made such a divided State in it, that easy occasion might soon be taken by their Neighbours to Invade them) *Henry* the 2d of *England* affected

affected the Crown of it, and to that Purpose (as the Times were) sent Ambassadors to Pope *Adrian* the 4th, entreating him, *ut sibi liceret* (as the Words of *Matthew Paris* are) *Hibernia Insulam hostiliter intrare, & Terram Subjugare, atq; homines illos Bestiales, ad Fidem, & Vi-am deducere veritatis, extirpatis ibi Plantarijs vitiorum*; which was granted by a Bull, among other things in these Words; *Et illius Terre Populus se recipiat & sicut Dominum veneretur, jure Ecclesiarum illibato & integro permanente, & salva B. Petro de singulis Domibus Annua Unius Denarij pensione.* And he pretends in his Bull that all the Isles of Christendom are clearly part of the Patrimony of the Church of *Rome*. But he would never have been able to prove that. *John* of *Salisbury* (cited ordinarily also by the Name of *John*, Bishop of *Chartres*) was the Chief in this Embassy, being a Man most dearly Respected by this *Adrian*, and his Report is also of an Investiture made of the Isle, by a Gold Ring sent to the King from the Pope by him: All this was about the 2d of *Henry* the 2d, but nothing was Executed. Some Years after *Dermat Mac-Morrogh*, King of *Lemster*, being distressed by the Kings of *Connacht*, and *Orerech* King of *Meath*, requested Succours of the *English*, and had them; but upon giving these Succours, *R. Strongbow*, Earl of *Pembroke* (to whose Valour *Dermat* was much beholding) soon made himself of such a Greatness within the Isle, that he grew suspected to King *Henry*; but to avoid suspicion, acknowledged whatsoever he had their to the King, who some 17 Years after the Pope's Bull, entred the Isle with an Army, subdu'd a good Part of it, and had Homage of those Petit Princes, which retain'd, as before so after this Acknowledgment, the Name of Kings; yet they were not *Ordinati Solennitate alicujus Ordinis* (as the Black-Book of *Christ-Church* in *Dublin* speaks) *nec unctionis Sacramento, nec jure Hæreditario, vel aliqua Proprietatis Successione, sed vi & Armis quilibet Regnum suum Obtinuit.*

This King *Henry* (it seems) and his Successors following the Syllables of that Bull (which is mention'd also in another afterwards sent in behalf of the *Irish*, by Pope *John* the 22d, to King *Edward* the 2d or 3d) hence Titled themselves Lords of *Ireland*, putting it in their Style before Duke of *Guienne*. And in the Annals of *Ireland* we

read

read, that *Joannes Filius Regis, Dominus Hibernia de Domino Patris, Venit in Hiberniam Anno atatis sue duodecimo*, (which was the 13th Year from the first Entrance of Henry the 2d) and in Confirmation of his Title, Pope Urban the 3d sent him a Crown of *Peacock's Feathers*. As likewise Henry the 3d, made Prince Edward (afterwards Edward the 1st) Lord of *Ireland* (*Pat. 52. H. 3. Memb. 9.*) which was the Title first given, and perpetually us'd, until towards the end of Henry the 8th; tho' *Choppin* writes expressly, that Pope *Adrian* Confer'd upon our Henry the 2d, *Hibernia Principatus Titulum*, as his Words are. How King *John* had Obedience of most of the Princes there, and Establish'd *English* Laws, Officers, and such more Notes of supream Majesty, *Mathew Paris* most fully delivers. But plainly altho' the Succeeding Princes wrote themselves but only Lords of *Ireland*, and call'd it *Terra*, not *Regnum Hibernia*, yet their Dominion was meerly Royal. They had their Justices, or Custodes, or Lord-Lieutenants, or Deputies (as at this Day they are call'd) of *Ireland*, which were, as Vice-Roys, by Patent, and had most large Power given them, with the very Rights of Majesty. With this fully agrees that of *Richard* the 2d, who being himself, but in Title, *Dominus* or Lord of *Ireland*, created *Robert Vere* (being then Earl of *Oxford*) Marquess of *Dublin*, and the same Year Duke of *Ireland*, with the fullest and greatest Prerogatives or marks of Sovereignty; which had been Ridiculous, if the King of *England* in Substance had not been as a most perfect King of *Ireland*. He gave him for Life (and that with the Assent of both Houses of Parliament) the whole Island itself with the adjoyning Isles; the Tenure being by Leige Homage only (that is *Homagium Ligium*, as the Words of the Patent are, which denotes such Homage as excludes all Exception of Persons out of the Profession of the Tenant's Faith to his Lord; or such Homage as by the Common-Law is to be done to the King only; all other Homage with us being not *Ligium*, because the King and other Lords are Excepted in it) and the Payment of 5000 Marks during his Life, *Nomine Dominiij terre Hibernia*; And with this he further granted to him for Life also, the Patronage of all Bishopricks, Abbies, and such like there, which were in the King; Power also to make a Chancellor

lor, Treasurer, Justices of both Benches, Barons of the Exchequer, Sheriffs, Coroners, and all other such Officers, with the Right of Coining Money, and such more Royalties, which are rarely separated from a supream Crown; all which may be seen in the Patent itself (*Rot. Cart. 9. R. 2. Memb. 1. and Rot. Parl. 9 and 10. M. 3.*) too long here to be Inserted. But he enjoy'd not this many Years, but by the like Authority lost it; and this so unusual Dignity, that so began in him, ended also in him. Neither can there be a plainer and more remarkable Testimony of the fulness of Royalty over *Ireland* in the Antient Kings of *England*, than this Creation thus made by the King and his whole Parliament, into a Title, that is the highest next to King or Emperor. And we know, that the same K. *Richard* had a Purpose to have rais'd this Duke of *Ireland* into the expresse Title of King of it also, as appears by *Thomas of Walsingham*; and mention is made of it also in the Parliament Rolls of that Time. All which shew that *Dominium Hibernie* was taken to be no less than *Regnum* in the Kings of *England*. But at length, under *Henry* the 8th, this Title of Lord of *Ireland* was alter'd into King, as may be seen by the Words of the Act. (*Stat. Hibern. 33. H. 8. Cap. 1*) Thus much Pope *Paul* the 4th afterwards Confirm'd to King *Phillip* and Queen *Mary*, with *de Potestatis Plenitudine, Apostolica Autoritate, Regnum Hibernie perpetuo erigimus*: And in the Stile of their Parliaments it was henceforth call'd *Regnum* or Realm, no longer *Terra Hibernie*.

The 8th and last Article shews, when and how the Title of Defender of the Faith was given to the Kings of *England*, and when they had the Title also of supream Head of the Church.---The beginning and ground of that Attribute of Defender of the Faith, which hath been perpetually, in the latter Ages, added to the style of the Kings of *England* (not only in the first Person, but frequently also in the Second and Third, as common Use shews in the Formality of Instruments, of Conveyance, Leagues, and the-like) is most certainly known. It began in *Henry* the 8th; for he in those Awaking times, upon the Quarrel of the *Romanists* and *Lutherans*, wrote a Volume against *Luther*, in Defence of Pardons, the Papacy, and 7 Sacraments: And of this Work the Original is yet remaining

remaining in the *Vatican* at *Rome*, with his own Hand thus Inscrib'd to Pope *Leo* the 10th.

*Anglorum Rex Henricus
Leoni X Mittit Hoc Opus &
Fidei Testem & Amicitia.*

Whereupon, the Pope (in the 12 Year of his Reign) Con-
ferr'd it upon him by his *Bull*, commanding all Christians
that in their Directions to him, they should after the
Word King, add this of Defender of the Faith. After
this *Bull*, *Henry* the 8th presently used the style according
as the Pope had given it him, and call'd himself, and was
call'd of *England* and *France* King, Defender of the
Faith, and Lord of *Ireland*. But after the Name of Lord
of *Ireland* was turn'd into King, then the Word *Ireland*
came in after *France* with the same Title. And some
Medals of Gold inscrib'd with his former style, and this
Addition express in *Latin*, *Greek* and *Hebrew*, were dis-
pers'd into many Hands. But besides that of Defender of
the Faith, *Henry* the 8th by Act of Parliament (26. H. 8.
Cap. 1) had the Title of supream Head of the Church of
England, annex'd and united to the Imperial Crown of
this Realm, which was us'd by him, and King *Edward*
the 6th, next those Words of Defender of the Faith; as
it was also by the Lady *Jane* that pretended to be Queen
against Queen *Mary*, in the Proclamation that was made
of her Right to the Crown; neither did Queen *Mary* at
first abstain from it; but in the Proclamation of her Right
also she was call'd so; but it hath been since wholly O-
mitted; yet it was a great Question in the beginning of
Queen *Mary*, whether the Writs of Summons to the Par-
liament, which had not this Title in the Queen's style,
were Legal or no; but it was at length resolv'd upon great
Deliberation, that they were Legal, and that the Act,
which gave the style, was to be understood only Affirma-
tively without any Negative Inference, that the style should
not be good without it (*Seld. Tit. Hon. Part 1. Chap. 7.*
Pag. 94, 95, 96, 97, 98, 99 in Part, 89, 90, 91, 92, 93,
94 in Part. Sect. 3 and 2. Part 1. Chap. 5. pag. 53 in Part,
54 in Part, 58 in Part, and 59 in Part. Sect. 4.) As for
the

the true Etymology of the Word Lord, I shall give it the Reader by and by in its proper Place.

(2) *Him and the People*] Which hath often made me think, with Reverence be it spoken, that we have a Kind of *Trinity* in our Government, as well as in our Faith, to which, I'm sure, they ought to have another Resemblance, and that is their *Unity*; for their Power is so equal in the great Point of Legislature, that it cannot properly be said, that one is greater or less than another. For as all have Negative Voices, so neither nor both the Houses without the King, nor the King without the two Houses can do any thing; but the Consent of the whole Three is necessary both to the making and abrogating a Law; for all three Parties being equally oblig'd to execute and obey those Laws when made, it was very reasonable they should all give their Consents to them before they were made; and since the Legislative Power is in all Nations esteem'd the Supream, and ours being so divided, it seems to be a little improper, to call any One of the Three the Supream Power: It must be acknowledg'd indeed, that the Executive Part of the Power is, by the Consent of the other Two, committed to the King, and that only by way of Trust, and under such Limitations, that it cannot properly be call'd the Supream Power, altho' he may fitly enough be styl'd the Supream Magistrate of the Nation, because he, and none but he, has the Power to make Men keep the Laws, and to punish them for the Breaches thereof; but that under such Restrictions and Limitations as keep *Magna Charta* entire in all its Parts. (*State Tracts. Vol. 1. Fol.*)

(3) *Crown*] According to the Critical Method I'm pursuing, the following Particulars cannot be omitted, viz. The Use of Crowns, as of Ensigns of Royal Dignity; of the Diadem of antient Time; and how Crowns of Gold came into Use among Christian Kings; for all which *Selden's* Authority must be yet made Use of.

For Royal and Imperial Crowns or Diadems however (saith he) those Names have been from antient Time confounded, yet the Diadem strictly was a very different Thing,

Thing, from what a Crown now is or was ; and it was no other than only a Fillet of Silk, Linnen, or some such Thing. Nor appears it, that any other Kind of Crown was us'd for a Royal Ensign, except only in some Kingdoms of *Asia*, but this Kind of Fillet until the Beginning of Christianity in the *Roman Empire* ; neither is it to be regarded, that some Learned Men take King *Latinus's* Crown or Helm Radiant in *Virgil* (*Aeneid* 12) for a Note of his being a King ; plainly it was a Note of his Descent or Family, not of his Royal Dignity ; for as in the elder Times of the flourishing *Roman Empire*, the Crown Radiant, or *Radiatum Caput* was a Character of being accounted as a God ; so in the heroick Times, it was a Note of a Descent from a God, or rather especially from *Phæbus*, who, in the more real Divinity of the *Gentiles*, included almost all the Gods ; and thence it is, that *Virgil* calls this Radiant Crown *Solis Avi Specimen*, *Latinus* being Son to *Circe*, that was Daughter to *Phæbus*.

The eldest Times, to which we find a Royal Crown or Diadem attributed, is the Age of that King *Pharaoh*, to whom *Moses*, being an Infant, was brought by his Daughter *Thermutis*. *Pharaoh* (says *Josephus*. *Archæolog. Lib. 2. Cap. 5.*) put his Diadem upon the Child's Head, and the Child cast it to the Ground and spurn'd it from him ; of what it was made we cannot be sure, nor have we more than that bare Relation of it.

But the antientest mention of a Royal Crown is in the Holy Story, in that of the *Amalekites* bringing *Saul's* Crown to *David*, (*2. Sam. Cap. 1. Com. 10.*) where it is call'd in the *Hebrew* Tongue *Nezer* ; that being the same Word by which the Crown of the High-Priest is denoted in *Moses*. (*Exod. Cap. 29. Com. 6.*) Some of the *Greeks* have turn'd it by *Βασιλειον*, as if you should say the Royal Ensign : In other 'tis rendred *Διαδημα*, *Diadema* the same Word being us'd also in the vulgar ; but *Josephus* (*Archæolog. Lib. 6. Cap. ult. 63 Lib. 7. Cap. 1.*) calls it *Βασιλικον σκεπανον* absolutely ; what Kind of Thing it was cannot be learned from that Text ; and if we should conjecture only by the Use of other Kings of those Parts of *Asia* (in the Ages that are much later than *Saul*) we might as well think it had been the Fillet only as any other of Mettal,

Mettal, in regard both Kinds were in Use in those Parts, and both equally call'd *Diademata*.

But if also what occurs afterwards in the Holy Story, *David's Crown* may persuade us, that this of *Saul* was of the same Nature; it must follow, that it was of Gold and Stones; for it appears that *David* out of the Spoils of the *Ammonites* had such a Crown; the Words are, (2 *Sam. Cap. 12. Com. 30.*) as they are commonly turn'd in the latter Translations; and he took their King's Crown from his Head (which weigh'd a Talent of Gold, with precious Stones) and it was set on *David's Head*. The same Relation being in another Passage of Scripture, (1 *Paralip. Cap. 20. Com. 2.*) and almost the same Syllables in those Translations, which disagree not from the Original; and to the same Purpose *Josephus*, whose Interpreter (*Archæolog. Lib. 7. Cap. 7.*) yet renders him not, where he says, that *David Capite gestare solitus est hanc Coronam*; *Josephus* saith only that he bare it on his Head, not that he us'd to wear it; for the Weight of it being a *Hebrew* Talent of Gold (which is of our Money near 4500l; and about 120l. Weight) it was impossible he could use to wear it; and therefore some will have it, that the setting of it on his Head, was but by holding it over, or near his Head, as if it had been by himself clearly insupportable. But then why had the King of *Ammon* such a Crown? and how did he wear it? Some most Learned Men (*Jos. Salian. Annal. Ecclesiast. Tom. 3. Anno. 2999. N. 33, and 34. and Baron. Tom. 3. Anno. 337. Pag. 407. Edit. Antwerp. 1593.*) take the Holy Story otherwise, and conceive, that it was not the Crown of that *Hanun Ben Nahas* King of *Ammon* (whom *David* conquer'd) but of the *Ammonites* Idol *Melchom*, or *Molchom* (the same with *Moloch*) from the Head of whose Statue this Crown might be then taken; and that the Crown, which *David* put on his Head, was one made out of it; and indeed the Syllables of the Text are, (or may be understood to be so) and he took the Crown of *Melchom*, or *Molchom* from his Head: for that Word, which as an Appellative signifies their King, as a proper Name denotes their Idol, as we see also in other Passages of the Holy Story; neither do some of the Copies of the *Greek* Translation otherwise give us this place, than by using the Word *Melchom*, and

besides interpreting it as an Appellative by τὸ *Familios* 'αὐτῶν; and the Vulgar also in one of these Passages, *Tulit David Coronam Melchom de capite ejus; & invenit in ea Auri Pondo Talentum & pretiosissimas Gemmas*; and for Justification of their Conceits, who think he wore it not, but made him one out of the Richness of it, the Words expressly follow, *fecitq; sibi inde Diadema, & fuit super Caput David*. But however, it shews that this Crown, which *David* us'd here, was of Gold and set with Jewels; and *Clemens Alexan. rinus* says generally of the Royal Crowns us'd by the Kings of *Judah* and *Israel*, that they were so, and this was set on their Heads by some Inaugurations by the High-Priest (2 *Reg. Cap. 11. Com. 12.*) who also anointed them. They us'd it till the Captivity, after which, about 480 Years no Governor in that Nation wore it, until *Aristobulus* (*Joseph. Archaeolog. Lib. 13. Cap. 19.*) began again to use it about an 100 Years before Christ, whence it continu'd on their Kings till it ended in *Agrippa*, about *Vespasian's* Time.

Touching other of the antientest Kingdoms, whereof we have Testimonies left to this Purpose - - - In some of them the Kings had Crowns of Gold, and also their Fillets. In others only Fillets. Of the first Kind were the *Persian* Kings, whose Fillets circled their Heads upon a *Tiara*, which was a long Cap of such a Kind, as that every Man there wore one, as we do Hats; but none might wear it upright save only the King, or by some extraordinary Indulgence of Honour from him. In others it bended forwards. The Antients are full of Passages, that shew this of the Diadem or Fillet, and the *Tiara* or *Cidaris*. But it is to be observ'd, that oft times while they speak of the *Persian* Kings with Special Relation to their Royal Dignity, the Word *Cidaris* or *Citaris*, is Absolutely taken for the *Regium Persarum Insigne*, (so *Curcius*, *Plutarch*, &c.) as if they plainly included in it both the *Tiara* and the Diadem together, no otherwise, than as we ordinarily, by some general Word, shortly denote an Individual which we suppose known to all Men; as when by the Name of the Crown generally, or of the Purse generally, or of the Seal generally, we mean the King's Crown, the Purse with the Great Seal, and the Great Seal of *England*. And sometimes it is with a little more

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Addition call'd *Tiara recta* only. (*Senec. de Benef. Lib. 6. Cap. 31.*) With such a Royal Ensign the Queens also were honour'd in *Persia*, if at least in the Holy Story, (when both *Vashti* and *Esther* are crown'd) the *Hebrew Keter Malcuth*, i. e. the Crown, or Diadem, or Ensign of the Kingdom denote this of the *Citaris* and Fillet on it. --- But the Diadem it self, (as it is to be distinguish'd from their *Citaris*) or the Fillet, was in *Persia* chiefly of Purple, varied with white. *Darius's* was *purpureum Diadema, distinctum Albo*, (as *Curtius* says *Histor. 3, and 6.*) and in the Holy Story of *Mordecai*, as it is in the *Greek Text*, his Diadem Royal (for King *Ahasuerus* honour'd him with one) is of Purple and of Silk, as the Words are, where also (*Esther Cap. 8. Com. 15.*) it appears in express Words that he had (among the Ensigns Royal, that were put on him) a Gold Crown also. --- The *Hebrew* indeed makes no such division. But the *Hebrew* compar'd with this and the Testimonies of Prophane Writers, justifies clearly, that there was a Crown of Gold, as well as a Fillet for a Royal Ensign in *Persia*; and perhaps in the greater Solemnities, the Crown of Gold was us'd, and the Fillet (as being not so troublesome) in their ordinary wearing.

In other the antienter Kingdoms either of *Asia*, or elsewhere, I remember no such Use of both those Kinds of Crowns. But the Diadem or the Fillet alone is obviously in good Authors given to the Kings of *Pontus*, *Armenia*, *Parthia*, *Lydia*, *Phrygia*, and others of those Parts; where the tying on of it was the chief Part of the Inauguration. So *Volageses* King of *Parthia*, designing his Brother *Teridates* King of *Armenia*, *Diademate Caput evinxit*, as *Tacitus (Annal 15.)* says. In *Africk* also this Diadem or Fillet was the only Royal Ensign of the Head; and so it was of divers old Kings of *Europe*. The Coins of the old Kings of *Sicily*, as of *Gelo*, *Hiero*, and *Agathocles* have their Heads circled with this Diadem or Fillet. And the *Greek Kings* had their Fillets or Diadems, or *Vincula*, (as in *Seneca's* Tragedies) they are sometimes call'd. What other Kings of *Europe* wore in those more antient Times, fully enough appears not: It is a tolerable Conjecture, that they us'd the Fillet as the rest. And *Pliny* supposes the Diadem to be as antient as *Bacchus* for

a general Ensign for Kings; for he says (*Nat. Hist. Lib. 7. Cap. 56.*) that he invented *Diadema Regium Insigne*. Nor are the Testimonies clear enough in Credit, that tell us *Dunvallo Mulmutius* King of our old *Britons*, and the old Kings of *Scotland*, even from *Fergus* the 1st, us'd a Gold Crown. But it seems by the old *British* Monies, that the Diadem or Fillet, perhaps of Pearl also, was worn by *Cunobelin*. In the Memoires, that remain of the many Ensigns of Dignity receiv'd into *Rome* by *Tarquinius Priscus* upon his Conquest of the *Tuscans*, the Fillet is not mention'd, tho' at that time, *Omnia Decora & Insignia* (as *Florus* says) *quibus Imperij Dignitas eminent* came into the State. Among them *Diomysius Halicarnassæus* (*Archæolog. 3.*) indeed reckons a Gold Crown: But as the rest of these Ensigns were given to Civil Magistrates, or to Generals in the Field, as Honorary Notes of Subordinate Dignity, so was this of the old Crown, and of the Laurel also; the Use of them being then chiefly in a General's Triumph, but not in distinguishing a King --- Other Crowns also, as of Oak, Grass, Myrtle, Ivy, Roses, and divers more were in frequent use in their giving of Honorary Rewards, in Sacrifices, Feasts, Marriages, Funerals, Wooings and otherwise, and that as well in the old States of *Greece* as of *Italy*; which is also (if no other were) a good Argument, that all Crowns under that Name, and as distinguish'd from the Diadem or Fillet, were far from being taken as Royal Ensigns among them. Therefore so much as concerns the several Crowns us'd in those Countries is excluded here, as not belonging to the Subject.

But I note as most observable to the Present Purpose, that whereas *Virgil* puts in *Evander's* Mouth. (*Æneid. 8.*)

*Ipse Oratores ad me Regniq; Coronam
Cum Sceptro misit, mandatq; Insignia Tarchon,*

as if the *Tuscans* had us'd a Crown for a Royal Ensign; *Servius Honoratus* being curious in Matter of antient Customs, learnedly admonishes, that *Corona* signifies there *Insigne* generally. He takes (I presume) *Corona* for a Crown, as it is distinct from a Diadem, and then he agrees fully (for so much at least as concerns the *Tuscan* Kings) with

with the excluding of Crowns from being Notes, in that Age, of Royal Dignity. But tho' the common Story written of the Times of the *Roman* Kings, shews us not that they us'd Fillets; yet in other Testimonies, they have them. In some Monies inscrib'd C. N. PISO. PRO Q. (he is taken to be the same that was Vice-Admiral to *Pompey* in the *Piratique* War.) *Numa's* Head hath a Fillet on it; and in the Fillet his Name stamp'd. *Ancus Martius* hath his Fillet also in a Piece of the same Age; others have those two Kings together filleted in one Stamp; but they were all coin'd about 500 Years after the End of the *Roman* Kings; and therefore are no infallible Testimony to this Purpose; nevertheless among other Testimonies, they shew that the *Romans* at that Time conceiv'd (as other Nations) this Diadem or Fillet to be the proper Ensign of a King, and therefore endur'd not the Use of it, while they hated the Name of a King; they endur'd not the Use of it, when there might be any Colour to take it for an Affection of Regal Supremacy; for otherwise a Fillet, and a white One, was not only endur'd but by Institution of the State, us'd in the Habits of their Priests, as it was also an Ornament of the *Nomophylaces*, or the Chancellors and Fiscal Judges of *Athens*. But in those it was no more Suspected for Regal, than a Crown with us is on our Kings of Heralds. The Priests, and those *Nomophylaces* had their Authority Subordinate under the State, as these Officers under the King: So the Priests among the *Jews* also had a Crown, as well as the King: And the *Roman* Women (as ours at this Day) had their Diadems also or Fillets, varied at their own Fancies. But in old *Rome*, in whomsoever any Suspicion of Power was, in him also, and in every Attribute to him, the Diadem was suspected; thence is it, that he that put a white Fillet or a Diadem upon the Laurel of *Julius Caesar's* Statue, was commanded to Prison (by the *Tribunes*, *Flavius* and *Marcellus*) as one, that thereby derogated from the Publick Liberty in giving him that which was proper to a King. And that of *Pompey* is of the same Kind.

By reason of this Suspicion of the Diadem, and for that the Name of King was so hateful among them (altho' they were in no less Servitude to their Emperors, even in

the Beginning of the Empire, than any other Nation to their Kings) the Emperors at first abstain'd from meddling with any Diadem. *Caligula* indeed ventur'd to put it on, but durst not use it ; none afterwards for about 280 Years openly affected it. But *Heliogabulus* at length wore one with rich Stones on it, yet in his House only. The first of them afterward, that wore it, and sometimes perhaps publickly, was *Aurelian*. But hitherto no constant or continual wearing of it was come into Fashion with the Emperors ; nor had they yet any other Ensign of Dignity for their Heads besides the Laurel and the Radiant Crown, which was us'd also for the most part only in Pictures or Statues ; rarely otherwise. But neither of these were proper to them, as Ensigns of their Monarchick Empire, which as yet had nothing singular in what was worn, besides the Purple Robe, or *Chlamys purpurea*, as *Eutropius* expressly and his Paraphrast *Peanius* observe in *Diocletian*: whence *Purpuram sumere* was in Use for, to take the Empire, and *Purpura Indui* for to be made Emperor.

But for the Laurel and Radiant Crown ; the Laurel was triumphant only, and born by them, as they had the Name of *Imperatoris*, in the Signification which that Word had in the Free-Time, or with relation to the Triumphs us'd by those that were Generals of the State. Thence is it, that so frequently their Heads have Laurels upon them in their old Coins. --- And the Radiant Crown, or *Radiatum Caput*, which is so frequently seen on the Heads of Emperors long before *Aurelian*, was a particular Note of Flattery, which suppos'd them as Gods : for that Kind of Crown was then principally for no other Use. And thence is it that in divers of the Heads of *Julius's* and *Augustus's* Coins (after their Consecration into Deities) we find Radiant Crowns ; and in the following Times also it occurs in the Coins of divers other ; and that while some of them liv'd too, because the Name and Dignity of a God was attributed to them. But withal oft times the *Radiatum Caput* is met with upon Coins, that were of elder Time, than the Monarchick Empire. But in those it is always the Sun's or *Phœbus's* Head. But soon after *Aurelian*, the Diadem grew to be a Principal Ensign of the Empire. *Eusebius* expressly of *Constantius*, Father to *Constantine* the Great (speaking of the

the Emperors that were before joyn'd with him, and of their leaving all to him) saith thus, viz. Only *Constantinus* was now styl'd the chief *Augustus*, and *Sebastos*, having been at first honoured with the Diadem belonging to the Emperors *Cesar's*, and having had also chief Place among them; and in that *Constantine*, his Son, it became to be a continual wearing. (*De vita Constantini, Lib. 1. Cap. 12.*) *Victor*, *Cedrenus*, and the Author of the Chronicle of *Alexandria* speak to the same Purpose, viz. That *Constantine* first of all the Emperors us'd a Diadem, and was more curious in wearing of Pearls and precious Stones. But (as others) he had in the Beginning of his Empire his Laurels, and his Crown Radiant too on some of his Coins, as also afterward, while he was a Christian, on his most eminent Statue, as the same Author (*Chron. Alex. pag. 664.*) says; tho' some take the Statue there spoken of, (*Zonar. Tom. 3. &c.*) to have been rather *Apollo's* with *Constantine's* Name on it, whereof we dispute not; the Diadem, which he so us'd, is the same, it seems, which the latter *Grecians* conceiv'd to have been sent him from Heaven. (*Constantin. Porphyrog de Adm. Rom. Imperio Cap. 12.*) His Use of wearing this kind of Diadem, and his leaving the triumphal Laurel, by turning it into Gold and rich Stones on a Fillet, is taken by some (*Baron. Annal. Tom. 2. Ann. 337. & Tom. eod. Ann. 351.*) to have been in him a Pious declining the Use of what was Sacred to Idols, and an Ensign of Gentilism in the Empire, as the Laurel was, and for that Cause had long before been inveigh'd against by *Tertullian de Corona Militis*. Nor was it so fit any longer for him to wear the Laurel, that had so demolished the Temples of *Apollo*, to whom it is known to be Sacred; therefore to imitate rather the Fashion of the Kings of the *Jews* (some of which were Types of that great King, for whose Service *Constantine* had at length profess'd his Name) he took the Diadem of Gold and Stones, and was the first that us'd any of that Kind. After *Constantine*, this kind of Diadem was in common Use, but so, that his nearer Successors did not so scrupulously always reject the Laurel as he had done; at least in their Coins it is not always omitted.---But the Fashion of their Diadems (as far as I have observ'd) continu'd most usually the same with that of *Constantine*. But altho' the

ordinary Use of the Royal Crown or Diadem (as the Words are Confounded) were as antient in the Empire as *Constantine*, and tho' it were, after him, born by his Successors, and put on at their taking the Empire, as the Crown, at this Day, at the Inauguration of Christian Kings; yet this Difference appears, that until the Emperor *Justin* the Younger (unless we rely upon such Authority as hath not ground enough to justify itself) the Solemn putting on the Diadem was done only either by the Imperial Guard, or such as had power to supply them in their usual way of making Emperor, or else by the preceeding Emperor, in Designing his Successor or Crowning his Empress.

And the First, that appears infallibly to be Crown'd by the Patriarch of *Constantinople* (for the Coronation there was his antient Office, as it belongs in *England* to the See of *Canterbury*; in *Spain* to *Toledo*; in *France* to *Rheme*; in *Swethland* to *Upsalia*) was *Justin* the Younger, that succeeded *Justinian* in 565. Nor doth it appear, that there was any such Coronation in the Empire of an elder Time. The best Author, that delivers this of *Justin*, is *Corippus*, that liv'd in the same Age with him; he says, that he was first, after the old Fashion, taken up on a Shield, and so by Acclamations chosen Emperor, and then Crown'd by the Patriarch. From that time of *Justin*, this kind of Coronation, for the most part, continu'd in his Successors till the end of the *Eastern* Empire. But some say also, that *Leo*, Successor to *Marianus* in 461 of our Saviour, was Crown'd by the Patriarch of *Constantinople*, and was the first that was Crown'd Emperor. So *Rabbi David Ben-Salomon*, a Jew of *Poland*; his Words are, viz. *Leo* the 53d Emperor reign'd in *Constantinople* in the Year 422! (that is 461 of our Saviour) and his Imperial Dignity was confirm'd by the Patriarch there, by putting the Imperial Crown on his Head. And this Emperor was the first that was Crown'd with an Imperial Crown.

In the *Western* Empire, the use of Coronation began in *Charles* the Great; and saith the same *Rabbi*, this Emperor was the first, that receiv'd the Imperial Crown from the Pope; and there (at *Rome*) it is receiv'd till this Day; and as the Patriarch of *Constantinople* Crown'd them of
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the *East*, so the Pope those of the *West*. But the Pope regularly Crown'd them only with their 3d Crown, which is given them at *Rome*. For the Emperor was wont after his Coronation, perform'd by the Arch-bishop of *Cologne*, at *Achen*, in *St. Mary's Church* (where his Throne or Chair is the same that *Charles the Great* us'd) to be Crown'd at *Milan* in *St. Ambrose's Church*, by the Arch-bishop there, or else at *Monza*, some few Miles distant from *Milan*, in *St. John's Church*, and then to go to *Rome* and receive a 3d Coronation from the Pope, or the Cardinal of *Hoftia* (as his Vicar) at *St. Maurice's Altar*, in *St. Peter's*. Their first Coronation at *Achen* is Ordinary, but that second hath not had many Examples. The first as the Diligent and Learned *Onuphrius* observes (*de Comitibus Imperat.*) was in that of the Emperor *Henry the 7th.* in the Year 1340. Some others since him also had this 2d Coronation there. But also some of them, have instead of it, receiv'd a particular Coronation elsewhere, for that which should otherwise have been at *Milan*: As *Frederick* the 3d was twice Crown'd at *Rome*, to supply this of *Milan*; and *Charles the 5th* twice at *Bologna*, to supply both that of *Rome* and this together: That at *Achen* is taken for the Emperor's being King of *Germany*; that at *Milan*, for his being King of *Italy*; and that at *Rome*, for his being Emperor.

But whereas commonly the Crown, taken at *Achen* is said to be of *Silver*, and that at *Milan* of *Iron*; it is to be understood, that their Metals are not such, but for some other Reason (which as yet I have not sufficiently learned) they are only call'd so, and are of *Gold*, as well as that taken at *Rome*. The Use of Crowns and Coronations thus deduc'd from *Constantine the Great*, was an Example, which the rest of the Kings of *Europe* followed. The Kings of *France* had Crowns in their Inaugurations, before the beginning of the *Western Empire*; so we read in the Stories of *Charles* and *Caroloman* the Sons of King *Pepin* in 768 of our Saviour. Among the *English Kings*, *Geoffrey of Monmouth* says, that King *Athelstan* first us'd a Crown; and *Ethelwerd*, a writer of the *Saxon Times* speaking of King *Edward*, next Predecessor to *Athelstan*, uses these Words of him; *Coronatur ipse Stemmata Regali a primatis Electus*, &c. (*Lib. 4. Cap. 4.*) But of the

Crowns of the *English* Kings, and their Coronations more presently.

The Traditions of *Scotland* are (*Hector Boet. Lib. 2 & 10.*) that until King *Achaius* (about 800 of Christ) their Kings us'd a Crown of Gold even from their first King *Fergus*; and that it was *Militaris Valli forma*, or a plain Circle of Plate, and that *Achaius* added to that plainness 4 *Fleurs de lis* and 4 *Crosses*. And for the *West-Gothick* Kings of *Spain* it is deliver'd (*Roderic. Tolet. Lib. 2. Cap. 14.* and *Marian. de Reb. Hisp. Lib. 5. Cap. 13.*) that the 1st of them that had it among his Ensigns of Royalty, was King *Lewigild* about 580 of our Saviour. And I remember I have read (*Sigon. de Regno Italia Lib. 1.*) that the first Crown us'd in the Kingdom of *Lombardy* was about 590, and that it was made by Queen *Theodelinda*, and the same, which is since call'd the Emperor's Iron Crown, and kept at *Milan* or *Monza*. In other Christian Kingdoms of *Europe*, that have later Beginning; their Crowns (I think) and Coronations have been equal to their first Erection into that Title. But the Forms of the Royal Crowns us'd in most (if not in all) those Nations are different; that of *Spain*, somewhat from the *English*; both these from the *French*; and the *French*, *Spanish* and *English*, severally differing much from that of the Empire. The Circle of the *French* is rais'd only into *Flowers de lis* and *Archos*, and hath a *Flower de lis* on the top; whereas the King of *England's*, of *Spain's* and the Emperor's have a *Globe* and a *Cross* in that Place; as also the Crowns of *Denmark* and *Sweden*.

But this may not untimely be observ'd here, that the Arch'd or close Crown (so commonly in Use at this Day) or that which is call'd Imperial (for so are the Arch'd and close Crowns call'd, and belong only, they say, to supream Kings) is not of very antient Use, save only in the Empire. Nor do I find in the *French* Coins any Diadem or Crown otherwise than Fleury only, till *Francis* the 1st. But for the Christian Kings of this Territory of *England*, it seems that in the Elder times of the *Saxons* (to omit here as a Vanity that of King *Arthur's* Crown, which *Leland* says (*Affert. Arth. Pag. 12.*) he saw in his Seal) they had at first, after the common Fashion of other Nations, which perhaps had been Antient with them also,

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the Ordinary plain Fillet or Diadem, as may be seen in *Adulph* King of the *East-Angles*, stamp'd in his Coin, who began his Reign in 664, and that afterward, they had their Diadems of Pearl or other such matter, as *Constantine* and his near Successors us'd. For *Offa*, King of *Mercland* in 763 of our Saviour is so presented in his Coins. And so are his Successors, *Berthulf*, *Burghred*, *Kenulph*. But King *Egbert*, who, about 800 of our Saviour, became Monarch of the *Heptarchy* had, as it seems, by his Coins, a Radiant Crown, the Rays being much shorter than those on the Old Emperor's. But again, if the Stamp deceive not, King *Alfred*'s Head in his Coins is Circled with a simple Diadem, after the Common and Antientest Fashion, as more of his Successors also were till *Edward the Confessor*. Only, if I mistake not, King *Edred*, and King *Edmund Iron-side* have Crowns somewhat like the Coronets of our Earls, pointed and pearl'd on the Points, which are rais'd higher than commonly those in our Earls Coronets, but are not so many. And King *Hardicnute* hath a Diadem of Pearls like others. The rest, either some Diadem on their bare Heads, or on Helmets. But *Edward the Confessor* in some of his Coins hath an ordinary Crown of Gold, rais'd into *Flowers de lis*, tho' in his Picture, which his Great Seal presents, his Head hath a Cap and a Crown on it. And indeed, tho' the Coins of the *Saxon* times shew us but what I have here deliver'd, yet there are extant some Volumes written under King *Edgar*, and by his Command, touching the Reformation or Restitution of the Monastique Life in *England*, wherein he is Pictur'd, and in a Draught of his own time, with a Crown *Fleury* also rudely drawn; and whencesoever it proceeded, the Crowns that are put on the Heads of most Antient Kings in Pictures of the Holy Story of *Genesis*, translated into *Saxon*, in those times, and in such Draughts as design'd the Holy Stories belonging to the *Psalms* of near, or about 1000 Years since, are no otherwise than *Fleurie de lis*. But after the *Confessor*, *Harold* returns again in some of his Money, to the Diadem of Pearls, and bears it on an Helm, I conceive to be properly that, which they call *Cynehelm*, as the Diadem without the Helm, that which was their *Cyneband* or Royal

Royal Fillet ; for these two Words with the *Saxons* denoted a Royal Ensign of the Head.

Our first King *William* in his Great Seal wears on a Cap a Crown, both *Fleury* as that on the *Confessor's* Money, and rais'd with Points, that have Crosses on them. But on his Coins, it seems, he hath the Pearl'd Diadem, having Labels at each Ear, and something like an Arch that goes cross the Head, as it is frequently seen in those of the *Eastern* Emperors.

His Son and Successor *William Rufus* is Crown'd in his Great Seal with no other Fashion'd Crown, than what is now with us an Earl's Coronet ; but in his Coins, the same Shape is presented, which his Father also bears upon his Monies.

That of *Henry* the 1st, both in his Great Seal and Coins is only *Fleury de lis*, and the Flowers are rais'd but little ; and in that of his Coins, 2 Labels of Pearl, or some such thing hang at each Ear.

King *Stephen* also in both, hath only a little Crown *Fleury*, which is exactly too the Form, that both *Maud* the Empress, and *Henry* the 2d have in their Great Seals. But this *Henry* in his Coins is Crown'd like *Henry* the 1st. The Son of *Henry* the 2d (which by some was call'd *Henry* the 3d, *vid. Matt. Paris. Pag. 163.* whence our Ordinary *Henry* the 3d, is also sometimes *Henry* the 4th) being Crown'd in his Father's Life, as also *Richard* the 1st have exactly the same Form in their Great Seals. But King *John's* Crown, as his Great Seal shews it, is only pointed with short Rays instead of Flowers.

His Son King *Henry* the 3d wears in his 1st Seal a Crown *Fleury* Pointed or Ray'd, and the Points or Rays are rais'd, but not high between the Flowers. His 2d Seal hath the like, save only in that the Points or Rays are wanting, as they are also in that which is on his Tomb-Statue of Brass at *Westminster*. But in *Matthew Paris* we read that *Henry* the 3d was at first Crown'd with a *Circulus Aureus*.

The like to this last of *Henry* the 3d, is that of King *Edward* the 1st, as well on his Coins, as in his Seal ; so hath his Wife Queen *Eleanor*, on her Tomb-Statue in Brass at *Westminster*. So hath his Son *Edward* the 2d. So *Edward* the 3d both in his Coins and in his Seal, as well in that made at the beginning of his Reign, as in that which

which he us'd after he had the Title of *France*. The Fashion of King *Richard* the 2d's, *Henry* the 4th's, *Henry* the 5th's is not otherwise, altho' I have read somewhere (as I remember in a Book of the *Institution of the Garter*, written under *Henry* the 8th) that *Henry* the 5th first made him an Imperial Crown.

Some others have attributed (*Fr. Thinne in MS. diatriba de Insignijs. Rob. Comiti Sarisbur. olim dicat.*) the first Use of it to King *Edward* the 3d, at least they say over his Arms it was first Painted, and they give a Reason for it, because he was made Vicar General thro' the Empire, by the Emperor *Lewis* of *Baviere* (*Tbo. Walsingham in Edward* the 3d, *Anno* 1338).

But neither doth King *Henry* the 6th in his Great Seal differ from that of *Henry* the 5th. But in some of his Coins, it is both *Fleury* and Arch'd with a Globe and Cross on the Arch, almost like the Imperial Crown of *England* worn at this Day. The like Form is on *Edward* the 4th in his Great Seal, saving that pearl Rays rise between the Flowers under the Arch; yet also some of his Coins have three Crowns, one over another, (but not on his Head) which are *Fleury* with Crosses between the Flowers, and not Arch'd: The three were for his three Dominions, *England*, *France*, and *Ireland*.

King *Edward* the 5th, and *Richard* the 3d, in their Great Seals are both Crown'd with Crowns *Fleury*, having Crosses between the Flowers and Arch'd as the wearing is at this Day, with the Globe and Cross on the Arch, which Form hath ever since continu'd. But I have seen several Copies of the *Ordo Coronationis* of the Kings and Queens of *England*, written much antienter than *Henry* the 6th; and in them the King sitting in his Throne, and Crown'd with the Crown *Fleury*, not without an Arch, having a Globe or Mound with the Cross on the top of it. And the Draughts seem as old as the Copies.

For the more exact Fashion of those old *Fleury* Crowns without Arches, worn by the Kings and Queens of *England* in some of the former Ages; you may easily and best observe it on their Statues both in *Westminster-Hall*, and on the Front of it. They were set there under *Richard* the 2d. Those upon the Kings, that are fix'd on the Walls of *Henry* the 7th's Chappel at *Westminster*, were, according to the
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Fancy of the Workman made (as I think) all alike, and only *Fleury* with Crosses : And tho' the Arch'd Crown was then in Use, yet it seems, the Arches were purposely omitted, as being too troublesome, and not of Necessity requisite. And the Cutter there chose rather to make them handsomly and alike, than such as were proper for every King (*Seld. Tit. Hon. Part 1. Chap. 8. Pag. 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135. Sect. 2.*)

(4) *Bracton Lib. 2. Cap. 16.*

(5) *Mir. Just. Pag. 9.*

(6) *Queen*) As *Cuning* was the Masculine Name of chief Dignity, so was *Cuningina* in the old *Teutonick* Feminine; howbeit our Name of Queen is very antient, and was us'd of our *Saxon* Ancestors, tho' somewhat differing in Orthography, for they wrote it *Cwen*. And as King is an abbreviation of *Cuning* or *Cyning*, so is *Cwen* now written Queen, an abbreviation of *Cuninginne* or *Cuningina*. *Quinde*, in the *Danish* Tongues is a Woman or a Wife, and so was antiently *Quena* (*Verstegan's Restitution of Decay'd Intelligence*).

(7) *Stipulation*) The Sum whereof was wont to be propounded to the King in this manner, tho' in a different Language.

1. *Will you Grant and Keep and by your Oath confirm to the People of England, the Laws and Customs to them granted by the antient Kings of England, your Righteous and Godly Predecessors; and especially to the Clergy and People, by the Glorious King St. Edward your Predecessor?*

The King's Answer.

I do them Grant and Promise.

2. *Will you keep to God and the Church, and the Clergy, and the People, Peace and Concord sincerely according to your Power?*

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The King's Answer.

I will do it.

3. *Do you grant to Hold and Keep the Laws and Rightful Customs, which the Commonalty of your Realm shall have chosen, and to Maintain and Enforce them to the Honour of God after your Power?*

The King's Answer.

I this do Grant and Promise.

In few Words, King Edward the 2d promis'd to keep the Laws already made, the Peace of his Kingdom, and the Laws to be agreed upon by the Commonalty; the same in Substance with that of *Henry* the 1st, *William* the 1st, the *Danish* and *Saxon* Kings formerly had: And thus is the King led to the Throne in a Chain of Gold, a serious Memorial of the King's Duty, as he is a Man; and a glorious Ornament to him, as a King. (*Bacon.*)

The Author of the State Tracts saith (*Vol. 1. Pag. 335.*) That tho' the King comes to the Crown by ordinary way of Inheritance, yet his Authority is wont to be Confirm'd by Assent of the People.

As at the Coronation of the King, the Arch-bishop who Crowns him, does according to antient Custom, before he actually performs that Ceremony, go to the four Quarters of the Rails (*East, West, North, and South*) that encompass the Place of Coronation, and asks the People, whether they will acknowledge the King then to be Crown'd, for their King, and be Subject to him (or to that Effect) setting forth at the same time his Title by Succession from his Royal Progenitors; the Earl Marshal going before the Arch-bishop to each of the four Quarters, and the King turning round four times, and shewing himself to the People upon every Interrogation; and thereupon the *Yea, Yea, God Save the King*, which is plainly to demand and receive from the People a Consent to his Investiture with the Royal Dignity.

So also the Assistance that all the Nobility (both Spiritual and Temporal) are to give at the Coronation by their Presence and Attendance; as it implies a Consent, so it is
a Token

a Token that their Consent is esteem'd of considerable Weight.

And to speak freely, the whole Solemnity of the Coronation appears to carry in it evident Marks of Consent and Stipulation. (*Stat. Tracts.*)

(8) *Not Supra Totum*) And if at any time he skip'd higher, he afterwards fell lower; for it was the Lot of these times (*Temp. Ed. 2.*) to have Lords, that were bent to work the People to regard their own Liberties, in which the Lords had first wrap'd up their own Claims. (*Bacon.*) (1) Prince.]

Amongst the Nobility or Peers of the Kingdom, the Prince (1) is the Chief, being the King's Eldest Son, or Heir Apparent of the Kingdom, of long time grac'd with the Title of the Prince of *Wales* (2): And as he amongst the *Romans*, who was design'd for the Successor was first call'd Prince of the Youth, and as Flattery prevail'd, afterwards *Cæsar* (3), Noble *Cæsar*, and most Noble *Cæsar*; so ours was by our *Saxon* Ancestors term'd *Etheling*, i. e. Noble, and in *Latin* *Clyto*, from the *Greek* *κλυτός*, Famous, that Age affecting the *Greek* Tongue (4). But the Name of *Clyto* I have before Observ'd to be given to the King's Children in general. The

(1) *Prince.*] For *Princeps* in *Latin*, whereof the *French* and we from them have taken our Modern Name of Prince,

of Nobility Dative. 415

Prince, our Ancestors us'd in their own Language the Name of *Furist* or *Furft*, which answereth in Value unto *Princeps*, being as much as to say, a First or Chief. The Princes Electors of the Empire are in the *Teutonick*, or *Duytsch* Tongue call'd *Keur vursten*, *Keur* being to say Choice, and *Vursten* instead of *Fursten*, or as antiently it was *Furistan*.

(2) *Wales, Wallia, North-Gales*, cometh from the Saxon Word *Wealh*, signifying *Peregrinus*, or *Exterus*; For the Saxons so call'd them, because in truth they were Strangers to them, being the remains of the old and antient Britons, a Wise and Warlike Nation, inhabiting in the West part of *England*. These Men have kept their proper Language for above these 1000 Years past, and to this Day call us *Englishmen*: *Saisons*, i. e. *Saxons* (*Co. Inst.* 1. fo. 175.) Note, that tho' *Coke* was one of the best Lawyers, yet he was one of the worst Etymologists. *Verstegan* (whose unerring Judgment in this matter may be relied upon) tells us in his *Restitution of Decay'd Intelligence*, that this Country (call'd by the Natives *Zambre*, in Latin *Cambra*, or *Cambro Britannia*) got the Name of *Wales* among us from the Saxon *Wallis*, who considering the *Welch* or *Britons*, as descended from the antient *Gauls*, might call it so instead of *Gallis*, it being usual with the *Germans* to use in some Cases a *W*, where the *French* use a *G* or *Gu*, as in the Words *Warden* and *Warre* in *French* *Gardien* and *Guerre*. And that which makes the thing most probable is, that *Wales* is to this Day call'd by the *French*, *Galles*, or *le pais de Galles*.

(3) *Cesar*.] After the Imperial Line fail'd in the *Julian* Family, those who were design'd to Succeed in the Empire, were call'd *Cesars*, which is much of the same with that of King of the *Romans* at present.

(4) *Camb. Brit. Pag.* 171. *Edit. ult.*

(1) *Prince*

The First who was call'd by the Name of the Prince of *Wales* (1), after the coming in
of

of the *Normans*, was *Edward*, the eldest Son of *Henry* the 3d ; who (his Father *Henry* being Dead, and having Vanquish'd *Leolin*) was the first that United the Principality of *Wales* to the Kingdom of *England*; to whom also *John* the *Scot*, Earl of *Chester*, being Dead without Issue Male (other Lands and Revenues being assign'd to the Sisters of the aforesaid Earl) the King his Father had given the same County. But the first *English* Prince of *Wales* was *Edward* the 2d, Born at *Carnarvan*, before whom the King's eldest Son was always styl'd Lord Prince. At length King *Edward* the 3d (2), gave to *Edward* his eldest Son (a most famous and renowned Warriour) then Prince of *Wales* and Earl of *Chester*, the County of *Cornwal* also, which he had then made a Dukedom: And so it came to pass, that afterwards our King's eldest Sons or Heirs, were by the King's Royal Charter, with great Solemnity in full Parliaments, Created Princes of *Wales*, and Earls of *Chester* (with the County of *Flint* (3) which belongeth to the Dignity of the Sword of the County of *Chester*) but are call'd Dukes of *Cornwal* even from the first hour of their Nativity. And as the Heirs (4) Apparent of the *Roman* Empire (as I but just now noted call'd

call'd *Cæsars*, of the *Grecians*, *Despota*, Lords; those of the Kingdom of *France*, *Dauphines*, and of *Spain*, *Infantes*; so those of *England* have been since that time styl'd Princes of *Wales*.

They who are accounted of the Nobility after the Princes of *Wales*, are call'd by us Dukes, Marquesses, Earls, Viscounts and Barons; above whom, if I shall also place the most famous Fellowship of Knights, of that which with us is far the most Honourable Order, taking its Name of the Garter; I shall not perhaps seem to have done amiss; since it maketh Knights, and sometimes those of the lesser Nobility (excelling others in Virtue and Valour) almost equal not only to Noblemen at home with us, but even to Kings and Emperors abroad: But of them I am to speak elsewhere apart.

That

(1) Prince of *Wales*] What Account the learned and judicious *Selden* gives of this Title, take it in his own Words, viz. Whence the Title of Prince of *Wales* was first transferr'd to the Sons and Héirs apparent of *England*, is well enough known, but not so clearly when it began in them. It was transferr'd from those Princes of *Wales* (of *North-Wales* especially) that, in the elder Times being *Welch*, held the Country under the Kings of *England* by the Name of Princes; neither was their any other besides

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them

them to whom the peculiar Title of Prince was attributed, as it is a subordinate Dignity. *Princeps Wallie & Dominus Snowdonia*, was their usual Title, as we see especially in the stile of *Llewelin ap Griffith*, under King *Edward* the 1st (*Registr. MS. Jo. Peckam. Arch-Cant. circa extrem.* And the *History of Wales Pag. 340.*) But it is observable, that in the Articles of Peace made between this *Llewelin* and King *Edward* the 1st, in 1277 (when the Title of Prince was to be left whole to him, but the most of the Territories were to be made subject to the King) He had the Homages or Seigniories of 5 Baronies about *Snowden* reserv'd to him; as if the having some Barons under him had been so necessary, or at least so convenient, that otherwise he could not well have retain'd the Title of Prince (*Tho. Walsingham sub. Anno. 1278.*) But some place the beginning of this Title in the Heirs apparent of *England* in the 39 of *Henry* the 3d. So *Polydore, Edwardus Regis Filius* (saith he) *ut maturius ad res gerendas graviores expertus redderetur, fit Wallie Princeps, simulq; Aquitania ac Hibernia Prefectus; unde natum, ut deinceps unusquisq; Rex hoc seculo institutum Filium majorem natu Wallie Principem facere consueverit.* So some other of our modern Writers. And thence the *Spaniards* also Note, that the beginning of the Title of *Principe de las Asturias* with them, was in Imitation of this, and upon a like occasion there, as the beginning of this was in *England*; and as that began in *Castile* upon a Marriage with an *English* Lady, so this in *England* upon the Marriage of *Edward* (afterwards *Edward* the 1st) and the Lady *Eleanor*, Daughter to *Alphonso* the 10th of *Castile*. But altho' *Wales* was given by the Words of *una cum Conquestu Nostra Wallie* (*vid Pat. 38. Henry 3d. Vasc. Membr. 8. N. 25. & Floril. Ann. 1254 Item. Mat. Paris. fo. 1187. Edit. Londini*) as *Gascoine*, *Ireland*, and some other Territories recited in the Charter, to this Prince *Edward*, by *Henry* the 3d: yet I find no Warrant, that therefore the special Title of Prince of *Wales*, as it belongs to the Son and Heir apparent began in him.

Others place the beginning of this Title in *Edward*, Son and Heir to *Edward* the 1st, upon that known Story (*History of Wales. Pag. 376.*) of the King's sending for Queen *Eleanor*, being with Child, out of *England*, to be deliver'd

delivered at *Carnarvan* Castle. After she was deliver'd he engag'd himself (they say) to the *Welch*, that they should have a Prince, most free from all kind of Blemish on his Honour, and one that could not speak one Word of *English*, meaning this young Prince. And it is true indeed, that this *Edward*, Son and Heir apparent of *Edward* the 1st, was afterwards stil'd Prince of *Wales*, as we see in the Writs of Summons to him to the Parliaments of the latter times of his Father. The Direction to him is, *Edwardo Principi Wallia & Comiti Cestria Filio suo Charissimo* (*Dors. Claus. 30 Ed. 1. Mem. 12 & 7. 32 Ed. 1. Membr. 2. &c.*) But the first Charter of Creation that I have seen, is, that of King *Edward* the 3d, to his Son and Heir apparent, *Edward* Duke of *Cornwal*, about 6 Years after he was made Duke. The Charter hath also the chief Particulars of the Rites of Investiture, which were the Crownet, or Ring of Gold, and the Rod of Silver; and with these he was Invested *juxta morem*, as the Words are, as if, before that Time, such as were Princes of *Wales* had usually receiv'd their Principalities by like Investiture. (*Rot. Cart. 17. Ed. 3. Numb. 27.*) Writs also under the Great Seal Dated the Day following, were sent to *Richard* Earl of *Arundel*, Justice of *North-Wales*, *Gilbert* Lord *Talbot*, Justice of *South-Wales*, and others, to give him *Seisin* of the Principality; to divers also that had Possessions in *Wales*, commanding them, *quod eidem Principi tanquam Domino suo de Homagijs & Servitijs suis, ac Omnibus Alijs ad Principatum, Dominia Civitatis, comitatus, castra & alia, terras & Tenementa pradieta spectantibus, intendentes sint & respondentes*. Since this Patent, this Title (which according to the limitation, after the Death of any Prince Created, is preserv'd in the Crown, until a new Creation) hath been almost to all the Sons and Heirs apparent since that time, as also it was to *Richard* of *Pourdeaux*, Son and Heir to the Black Prince. But the Creations have been with some Difference, both in the Investiture, and in the Patents also, from that first Form. Sometimes the Title of Duke of *Cornwal*, and Earl of *Chester* are given with it, by the same Patent and Investiture; the Rod being of Gold, as in that whereby *Henry* the 4th Created his Son Prince *Henry*. But since that, the Earldom of *Chester* only is usually joyn'd with it in the Patent (and

it hath been resolv'd, *Coke Rep. 8. le Princes Case, and le Case de Dutche de Cornovaile.* London 1613, that there needs no new Creation to the Son and Heir apparent of the other Title of Duke of *Cornwal*, to which he is Born Heir) as in those whereby *Henry* the 6th (*Rot. Parl. 31. H. 6. Num. 48.*) *Edward* the 4th (*Cart. 11. Ed. 4 N. 14 & 15.*) and *Henry* the 7th Created their Sons Princes, and in other of the elder times, as also in that of King *James* to Prince *Henry*, by which he Created him Prince of *Wales*, and Earl of *Chester* in Parliament (*Pat. 8. Jacobi Regis. Part 9. Num. 17.*) giving him *Nomen, Stilum, Titulum, Statum, Dignitatem* & *Honorem Principatus* & *Comitatus Eorundem*, and Investing him (*ut ibidem præsiciendo præsideat* & *præsido dictas partes dirigat* & *defendat*) *per Cincturam Gladij traditionem* & *positionem serii in Capite, & Annuli aurei in Digito, nec non virge aurea in Manu, ut Moris est, habendum sibi* & *Hereditibus suis Regibus Angliæ in perpetuum.*

The Earldom of *Chester* was once also a Principality, erected into the Title by Parliament in 21. R. 2. (*Cap. 9.*) wherein it was also ordain'd, that it should be given only to the King's Eldest Son. But that whole Parliament was repeal'd by the 1st of *Henry* the 4th. (*Cap. 3.*) Altho' the Earldom hath usually been since given with the Principality of *Wales*. Besides the Title of Duke of *Cornwal*, and Earl of *Chester* in *England*; The Titles of Duke of *Aquitain*, and Earl of *Ponthieu* (*Pat. 19. Ed. 2. Part 1. M. 25.*) and *Monstroile* (*ibidem*) and Duke of *Normandy* in *France* (*Polydore in Hen. 1.*) have been at several times before that Creation of the Black Prince into the Title of Prince of *Wales*, settled on some of the Sons and Heirs apparent, who were styl'd also by the Title of *Filius Regis Primogenitus*, which they had only when none of the other Titles were fix'd on them, as they have had it also with their other Titles in the latter and present Ages. (*Tit. Hon. Part 2. Chap. 5. Pag. 492, 494 in Part, 497 almost per Tot. 498 in Part. Sect. 1.*)

(2) *Edward* the 3d.) The Scepter being cast away, or lost by *Edward* the 2d, it was the Lot of his Son *Edward* the 3d, a Youth of 15 Years of Age, to take it up; he knowing whose it was, and feeling it too heavy for him,

was willing enough it should return; but being overfway'd by Counfels, drawn from Reasons of State, and prefs'd thereto by those that resolv'd not to trust his Father any more, he wisely Chose to Manage it himself, rather than to adventure it in another Hand; but that is not all, for as it's never seen that the Crown doth thrive after Divorce from the Sceptre, but like a blasted Blossom falls off at the next Gale of Adversity; such was the Issue to *Edward* the 2d, his Power once gone, his Honour followeth soon after, he had ceas'd to be King, and in a small time did cease to be *Edward*. His Son, thus made Compleat by his Father's Spoil, had the Honour to be the Repairer of the Ruins that his Father had made, and was a Prince which you might think by his Story, to be seldom at Home, and by his Laws seldom Abroad; nor can it be reconcil'd without Wonder, that Providence should at once bestow upon *England*, a courageous People, brave Captains, wise Council, and a King, that had the Endowments of them all; otherwise it had outreach'd Conceit itself, that this small Island, wasted by the Barons Wars, the People beaten out of Heart by all Enemies, in the time of the Father, should nevertheless in the time of the Son, with Honour wade through so many Difficulties of mighty Wars on every side Abroad, and devouring Pestilence at Home; and yet lay a Plat-form of an Opulent, Wise and Peaceable Government, for future Generations; yet he had his Failings and Misfortunes, a great Part whereof may be attributed to Infirmary of Age, which in the first part of his Reign was too little, and in the latter part too much.

True it is, that Governors of the Persons of Kings, may in some measure supply the Defects of Nonage, but seldom where the Governors are many, and never if they be Ambitious; and it was this King's Fate to miscarry in both, for he had in his Youth 12 Governors by Constitution, and of them 2 supream by Usurpation; viz. the Queen and *Mortimer*, till they were both consum'd in the Flame, which themselves had kindled, and this Disparity wrought somewhat unsuccessfully in the King's first War: For the Generosity of his Spirit (himself being Young and Active) minded his Council to advise him Employment in a Foreign War, rather than they would adventure its Motion at Home, lest it might prove Circular, which is most Dan-

gerous for Government, if the Prince be not under Command himself.

This first War was with *Scotland*, whose Power was inferior to that of *France*; the King Young, and the Danger nearer, and therefore tho' the last Affront was from *France*, and that more fresh in Memory and more Poinant, yet the King was advis'd to give Place and speak Fair, till he had tried Masteries with *Scotland*, and thereby secured his Rear: This he wisely hearkened unto, and met with such a successful turn of Providence, that like an O yes before a Proclamation, gives Warning to *Scotland*, that the Wheel is turn'd upon them; and that there is somewhat more than human Motion in the matter, that exasperates the *English* upon an Enterprize, so often cross'd by Providence hitherto, and the King also (being but a Soldier in Hope as yet) to dare against those that had so shamefully foil'd his Father, and also put himself already once to the Retreat; and yet their did concur a kind of Necessity of 2d Causes; for the King found the Crown engag'd, and the Minds of the *Scots* so elate, as the *English* Man's Case was not to Live to Fight, but to Fight to Live; and so imbitter'd against one another by the fierce Wars under the Barons, that nothing could quench the Fire, but the withdrawing of the Brands into Foreign Actions, like some angry Spirits that spoil their own Bodies, unless they can Chide or Fight it out with others.

In the first Brunt with *Scotland* the King gain'd nothing but understanding of the Humours of some of his Great Lords, which once purg'd out, he renews the War, prevails, and after 10 Years stir (wherein he became a train'd Soldier against the *Scots*) he won the Cross, and then goes to play his Prize in *France*, to compleat his Crown with the *Flower de lis*; which was the great Work of the rest of his Reien, in which 4 parts of 5 were Victorious; the 5th and last was declining, like some Gamesters, that win at the first, and for want of Observation of the turning of the Dice, come off losers at the end. For the King being rather Satiated than Satisfied with Victory and Honour, return'd Home to enjoy what he had, leaving his Son, the Black Prince, to pursue the War, and to act the Soldiers alone, who now began to honour his Valour above his Father's. But the Tide is spent, the Prince of Chivalry
dies,

dies, the brave Commanders wasted, and the *French* too fickle to continue Subject to the *English* longer than needs must, tack about for another Adventure, and make it plain, that *France* is too big to be Garison'd by *England*, and that it will cost *England* more to hold it, than to have it.

As to the Religion of this King, it was more to the purpose than of any of his Predecessors, since the *Norman* Times: He reflected upon God in Common Events, more ordinarily than the general Stream of the Clergy did in those Days (*Antiq. Brit.*) he lov'd, if not ador'd Devout Men and their Prayers, and yet intently disclaim'd Opinion of Merits in the Creature. He saw the Pope thro' and through, loved him but little, fear'd him less, and yet lost neither Honour nor Power thereby: His chief Policy at Home, was, to be much at Home, great with his People, and they great with him; what the Parliament did he accounted well done; he never question'd their Power, tho' he was over-reach'd in questioning their Wisdom; for he that shall prefer his own Wisdom above that of the Parliament, must needs think himself extreamly Wise, and so much the more, to know himself to be such. But the worst of his Fate was, to live to his Winter Age, and after 50 Years Reign, or more, to Die in his Minority, under the rule of a Woman, of none of the best Fame, after he had so long enjoy'd the Honour of greatest Note in the Christian World, in his Days. (*Bacon's History of England, Part the 2d.*)

(3) *Flint.*] The County of *Flint*, or *Flintshire*, is a Maritime County of *North-Wales*, so call'd from *Flint*, the chief Place thereof: It borders *Northward* upon the *Irish Sea*, *Southward* on *Shropshire*, *Eastward* upon *Cheshire*, and *Westward* upon *Denbighshire*; in length from *East to West*, not above 24 Miles, in breadth from *North to South* 8. The whole divided into 5 Hundreds, wherein are 21 Parishes, and but 2 Market-Towns, antiently Inhabited by the *Ordovices*, who were possess'd of *North-Wales*, and now in the Diocess of *St. Asaph*. This is the smallest County of all *Wales*, but one of the Fruitfullest; for as it is nothing near so Mountanious as the other Parts, so it brings forth plenty of Corn and Grass, as also great

store of Cattle; 'tis true they be but small, but that Defect is abundantly supplied by their Numbers; it was formerly reckon'd a Part of the County-Palatine of *Chester*, paying 2000 Marks (call'd a *Mize*) at the Change of every Earl of *Chester*, till 1568. When upon Occasion of one *Tho. Radford*, committed to Prison by the Chamberlain of *Chester*, it disjoyn'd it self from the Palatinate, and united with the Principality of *Wales*.

(4) *Vid. Camb. Brit. p. 172.*

(1) Dukedom.]

That also these Noblemen were Originally Generals and Leaders of Armies, or Governors of Countries, I have before declar'd; but afterwards, as it pleas'd the Emperors, this Nobility was given for Term of Life, and at length strengthen'd with Lands and Fees, was made a certain Hereditary Perpetuity: And so a Duke, who in antient Time was (in a manner) the Constable of the Kingdom, and whose chief Service was to Lead and Conduct the King's Army in time of War, being grac'd with Fees, and once Authoriz'd by the King became an Hereditary Title. Our Kings Descended of the *Norman* Blood, so long as they themselves were Dukes of *Normandy* grac'd no Man with this Title of a Duke till *Edward* the 3d, who first of all, as is aforesaid, exalted the County of *Cornwal* into a Dukedom (1) after the Example
whereof

whereof many Hereditary Dukes were also by our Kings Created, tho' there be none such with us at this Day.

Next to Dukes in Order follow Marquesses, who in antient time were call'd Governors (or Wardens) of the Borders or Marches. A Marquess (saith *Cambden*) (2), is (according to the import of the Word) one set to Guard the Limits; a Title to us before the time of *Richard* the 2d (3) utterly unknown, who in the 10th Year of his Reign by Royal Charter first Created (4) *Robert Vere*, Earl of *Oxford* (his Mion) Marquess of *Dublin*, the Metropolitall City of *Ireland*; by which Example many others afterwards obtain'd the like Creation by Inheritance,

Concerning

(1) Dukedom.] The 2d Duke in *England* after the Conquest, was *Henry* Duke of *Lancaster*, who died of the Plague, 35 *Edward* the 3d, *Co. Insti.* 4. *Pag.* 104. He was the first Duke of *Lancaster*.

(2) (*Camb. Brit. Pag.* 173.)

(2) *Cambden* (*William*) One of the most Learned and Illustrious Men of his Age, who was Born in the *Old-Bayly* in *London*, *May* 2, 1551 (according to his own *Diary*) of a Family not very considerable. His Father (*Sampson Cambden*, a Native of *Litchfield*, in *Staffordshire*) came to settle in *London*, where he liv'd as a Painter. He left but a small matter behind him at his Death, inasmuch that

that his Son, then very young, was kept in the Orphans Hospital. *Cambden* in the Height of his Prosperity was so far from concealing the Obscurity of his Family, that he left by his Will to the Company of *Painters* a Vermilion Cup, made use of by the Company at their Publick Feasts at this very Day. By his Mother's side he was related to the antient Family of the *Curwens* of *Wirkington* in *Cumberland*, descended from *Gospatrik*, Earl of *Northumberland*. At the Age of 15, he went to *Magdalen* College in *Oxford*, as Chorister or Servitor, from whence he remov'd to *Pembroke* College, and at last to *Christ-Church*. He stay'd at *Oxford* 5 Years without any Degree, and from thence return'd to *London* in 1571, where, among other Patrons he met with *Gabriel* and *Geoffry Goodman* (2 Brothers) who well knowing *Cambden's* Parts, contributed not a little to their Improvement. One of them (*Gabriel*) Dean of *Westminster*, made him 2d Master of the School, which *Queen Elizabeth* had Founded in the Church. He answer'd exactly all the Duties of that Employ, busying himself in the interim, in more exalted Studies; being naturally inclin'd to a Search after the Antiquities of his own Country; he applied himself wholly to the Composing a particular Description thereof, which after 10 Years Labours he Completed and Publish'd at *London* in 1586, under the Title of his *Eritannia*; and under the Patronage of that Eminent Statesman (truly Eminent for his Countrey's Good) *William Cecil*, Lord *Burghley*, Treasurer to *Queen Elizabeth*; a Work which answer'd the Expectation of the Learned World, and Sold so well, that it was re-printed the Year following, and besides the *German* Editions, it ran thro' those of *England* of 1592, 1594, 1600, and 1607. It grew better from every Edition. That of 1600 was Dedicated to *Queen Elizabeth*; and tho' it surpass'd the foregoing ones, it was even yet much Inferiour to that of 1607. Here *Cambden* out-did himself, and deservedly got the Character of the *British Varro*, *Strabo*, and *Pausanias*. This last Edition was attended with Maps and Cuts, and Printed in Folio; the three first were in Octavo; the two following in Quarto. This Work was abridg'd by *Reinier Vitellius* of *Zuric-zee*, and Translated into *English* by *Philemon Holland*, an *English* Physician. There is al-

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for a Book in Folio, Printed at London in 1695, and Entitul'd, *Cambden's Britannia*, newly Translated into English with large Additions and Improvements Published by *Edmund Gibson* of Queen's College in Oxford, but done by several Hands, free from any Foreign Additions, with which Dr. *Holland's* Translation was stuff'd; having the Life of *Cambden* prefix'd, and several other things, which extreamly set off this new Translation. He was made Prebendary of *Salisbury* in 1588. In 1593, he was head Master of *Westminster* School in Dr. *Edward Grant's* Place. In 1597, he Publish'd his *Greek Grammar*, receiv'd not only in that School, but throughout all *England*. The same Year he succeeded *Richard Leigh*, Esq; *Clarencieux*, King at Arms. This Dignity expos'd him to the fury of a Man (*Ralph Brook*, *York-Herald* at Arms) who thinking he deserv'd it, and not doubting but it would be conferr'd upon him, thought himself Affronted, in that it was bestow'd in Favour of another. To ease his Spirit, and to revenge the Wrong, he pretended was done him; he after two Years strict Examination of *Cambden's Britannia*, Published (without License, and without naming Bookseller or Printer) Criticisms upon it, full of Passion and Bitterness. *Cambden* answer'd him with his usual Moderation, vindicated himself Learnedly, and prov'd his Adversary guilty of the grossest Errors. This done, he made an Enquiry after the ancient Historians of his own Nation, Collected many of them, and had them Printed in *Germany* in 1603. In 1615, he Published his *Annals of Queen Elizabeth*, which he had undertaken at the Request of *William Cecil*: A Work which procur'd him as much Reputation, as his *Britania*: The Continuation of these Annals, which he finish'd about the Year 1617, did not appear abroad till after his Death. The whole Work was Translated into *French* by *Paul Belligent*, Advocate of the Parliament of *Paris*. It was likewise Translated into *English*. In 1622 he Founded the History Lecture of the University, to which he gave the Mannor of *Boxley* in *Kent*. Thus having liv'd many Years in Honour and Esteem, he died Nov. 9. 1623, at his Country-House, 10 Miles from *London*, Aged 74 Years. He ordered by his Will to be Buried where he Dy'd, which his Executors did not fulfil: for they Buried him with great Pomp in *Westminster Abbey*. Amongst

Amongst several other Terminations of the Sir-names of our antient Families, *Verstegan* giveth the Termination *Dene*, or *Den*, a Place; his Words are these (*viz.*) It need not seem strange (since it is divers times found) that in one Language there are several Names for one thing; as here in ours for present Example, *Dene*, or *Deane*, which for shortness is become *Den*, is all one with Dale; It is also otherwise a low Place; and we now use it for a Cave in the Earth, as the Den or lurking Place of Wild-Beasts.

It is the Termination of sundry of our Sur-names; as (*Exempli Gratia*) of *Cambden*, which I take antiently to have been *Campden*, and signifyeth the *Dene*, or *Dale*, belonging to some *Cemp* or *Camp-Fighter* (for both is one) in our now us'd Language, call'd a Champion, but in the *Teutonick* a *Campion*. A *Campdene* may also have been some place appointed for *Campions*; *Cambat-Fighters*, or Men of Arms, to Encounter each other; and so the Place became afterwards to be the Sur-name of him, and his Family that own'd it, as others in like sort have done. *Norden*, or rather *North-den*, is like so to have been call'd by reason of some opposite Place thereunto in the South, &c. (*Verstegan.*)

(3) *Richard* the 2d, King of *England*, in 1378. He was Son of the Valiant *Edward*, call'd the Black Prince, and Grand-Son to the Victorious King *Edward* the 3d, but had neither his Wisdom, nor good Fortune. He was misled by his Favourite *Michael de la Pool*, and other Flatterers, and thereby incurr'd the Hatred of the People. *John Wall*, a Priest, *Wat. Tyler*, *Jack Straw*, and *Jack Shepherd*, rais'd a Rebellion against him, and march'd to *London* with 23000 Men, Murdering several great Men, and committing many horrid Mischiefs; but it was happily suppress'd by the Mayor of *London*, *Sir William Walworth*, who struck *Tyler* off his Horse, whereby he was kill'd immediately, and 1500 of the Rebels were put to cruel Deaths, in several Parts of the Kingdom.

The King, after this, was persuaded by his Minions to commit many illegal Actions, and had an inveterate Hatred against his Nobility, of whom he Executed divers, and Banish'd others, and among them his Cousin, *Henry* of *Bullingbrook*,

Bullingbrooke, for his Freedom in desiring Matters might be Reform'd, and seiz'd his whole Estate. The King making a Voyage to *Ireland*, *Bullingbrooke* returns to *England*, and the People flock'd to him. The King resigns his Crown to him, and is committed to *Ponfret-Castle*; and being there assaulted by 8 Villians; he kills 4 of them, and at length is slain himself.

(3) *Richard*) Of our antient Word (*Ryc.*) we yet retain our Word (*Rich*) as formerly hath been shew'd: *Rich* signifyeth Abundance, *Ric Hart* (for so antiently it is) is no other than *Rich-Heart*, i. e. an abundant, Plentiful, and liberal Mind: It is in *Germany* pronounc'd *Reich-Hart*; in the *Netherlands*, *Ricart*, or *Richard*; in *Italian* and *Spanish*, *Ricardo*; and in *Latin* it is written *Richardus*. (*Verstegan.*)

(4) *Robert*) Antiently written *Ruberickt*, is by Abbreviation become *Robert*; *Rou*, which is to be pronounc'd as *Roo* is our antient Word for Rest, Repose, or Quietness. *Robert* then signifyeth dispos'd or advis'd unto Rest or Quietness. (*Id.*)

Concerning either the Etymology, or the Office of an Earl amongst the Antients, I have elsewhere briefly said something; and shall therefore, for a more full, compleat, and exact Description thereof, refer the Reader to those Authors who have treated of the same more at large; and yet I must crave leave to speak a Word or two more of these Earls before I give them a final adieu. Earls (1) (softned a little from the *Danish* Word *Eorles*, i. e. Honourable Men) have always been with us both of greatest

est Authority and Dignity, and of much greater Antiquity than either Marquesses or Dukes; for according to *Cambden* (2) *Tacitus* tells us we had them from our *German* Ancestors: They had (saith he) always Earls, *Comites*, attending their Princes, to furnish them with Counsel, and to gain them Authority. Others again are of Opinion, that both the *Franks* and we had them from the *Romans*. However it be, we may rest satisfy'd that their Original is of very great Antiquity; nor is it any Let at all, but that an Earl may be call'd Earl of any County or Place, from whence he receiveth no Profit, nor therein holdeth any Jurisdiction. Indeed antient Charters declare them in old time to have been Freed-Men, and to have been rewarded with the third Penny of the Profit of that Province, whereof they were call'd Earls; and for one Instance amongst many, take what follows, *viz.* *Maud* the Empress, Daughter and Heir to *Henry* the 1st, created an Earl by this Form of Words, as the Charter itself testifies. ' I *Maud*, Daughter of King *Henry*, and ' Governess of the *English*, do give and grant ' to *Gaufred de Magnavilla*, for his Service, ' and to his Heirs after him Hereditarily, the ' Earldom of *Essex*; and that he have the ' third

is,
infir
Ger
abri
and
Hon
it Ea
same
Fren
cordi
Verbo

(2)

(3)

‘ third Penny of the Sheriff’s Court, issuing
‘ out of all Pleas, as an Earl ought to receive
‘ from his County in all things (3). And this
‘ is the antientest Charter that Mr. *Cambden*
‘ ever saw.” But now the Custom with us is,
that the Titles of Earldom are conferr’d and
bestow’d according to the King’s Pleasure, with-
out any Possession of the Places at all; to
whom the King, instead of the third Penny, is
wont to appoint a certain Sum of Money to
be Yearly receiv’d out of the Exchequer, or
his Customs: Of which more at large here-
after.

Polydore

(1) Earle] *Verstegan’s* Derivation of the Word Earle
is, viz. before we borrowed the Word Honour, we us’d
instead thereof our own antient Word *Ear*; for Noble or
Gentle we us’d *Ethel*. *Ethel* was sometimes in Composition
abridg’d to *El*; so as of *Ear-Ethel*, it came to be *Far El*,
and by Abbreviation Earle; it is as much as to say, as
Honour-Noble, or Noble of Honour. The *Danes* wrote
it *Eorle*, and we write it Earle, and now use it in the self-
same Sense that *Comes* is chiefly us’d in *Latin*; Count in
French; and *Grave* now in *Duytsch* or *Dutch*. Earl, ac-
cording to *Lambert*, in his Explanation of *Saxon* Words,
Verbo Paganus, is *Saxon*, and he interpreteth it *Satrapam*.

(2) *Camb. Brit. Pag. 173.*

(3) *Camb. Brit. Pag. 174.*

(1) *Camb.*

Polydore

Polydore Virgil (1), as to this Custom, declares also the matter right in these Words, ' It is a Custom in *England* (saith he) that Titles from Counties shall be dispos'd of at the Pleasure of the Prince, even without the Possession of such Places from whence they derive their Title ' ; upon which account the King usually gives to such as have no Possessions in the County, in lieu of that a certain Annual Pension out of the Exchequer (2). The anti-ent manner of their Creation was only *per Cincturam Gladij Comitatus*, without any formal Method of Creation. The first Hereditary Earl of *England* was *Hugh Lupus*, Son of the Viscount *Averanches*, in *Normandy*, by his Wife *William* the Conqueror's Sister, Created by his Uncle (the Conqueror) Earl of *Chester* ; and in the style of a Conqueror. *Totumq; hunc Comitatum tenendum sibi & Hæredibus* (in Fee-Simple) *ita libere ad gladium, sicut ipse Rex tenebat Angliam ad Coronam dedit.* This *Lupus* did bear Azure, an Head of a Wolf eras'd Argent. To this Earldom is annex'd the County of *Flint* in *Wales*. 21 *Richard* the 2d. Cap. 9. *Coke* (3).

After

(1) *Cambi.*(3)
man,

(1) *Camb. Brit. Pag. 175.*

(2) *Exchequer.*] This Court was erected by *William* (the Conqueror) and form'd by the Model of that in *Normandy*, set up by *Rollo*. It had its Name from the party-colour'd Cloth, which cover'd the Board, which the *French* call *Chequy*. The Authority of this Court was so great, that no Man might contradict a Sentence pronounc'd here. *Habet enim hoc commune cum ipsa Domini Regis curia, in qua Ipse in propria Persona jura discernit, quod nec Recordationi, nec sententie in ea lata, liceat alicui contradicere.* Thus *Garvase* of *Tilbury*, who was Nephew to King *Henry* the 2d, by whose Report 'tis evident, that the Court of *Exchequer* was then distinct from the Court where the King us'd to sit in Person, and from whence there was no Appeal. In this Court not only the Affairs concerning all the Great Barons in *England*, and all such Estates as held in *Capite*, were transacted, but many Rights and Priviledges were Debated, and many Points determin'd, which arose from incident Questions; the Business of the *Exchequer* consisting not only in Accounts, but in trial of Causes; for until the 28th of *Edward* the 1st, the Common Pleas were usually held in this Court; it being then Enacted, that no Common Plea should be henceforth held in the *Exchequer*, contrary to the tenor of *Magna Charta*. From the time of the Conquest down to the Reign abovemention'd, the great Barons of the Realm, both Ecclesiastical and Secular, were generally the only Judges of this Court; the chief justiciary of *England* being President; but afterwards instead of these, Ecclesiastical and Secular Barons, Canonists, and other inferior Lay-Persons, Learned in the Laws, were admitted to the Board; who thereupon had the Name of Barons, because they succeeded to, or sate in the Places of those who had really that Dignity (*Dugdale's Origines juridiciales*. *Brady's Compleat History of England*, &c.) *Coke Inst. 4. Pag. 211.*

(3) *Coke.*] (Sir *Edward*) Son of *Robert Coke*, Gentleman, was born at *Milcham* in the County of *Norfolk*, in
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the 16th Century. He had his first Education in *Trinity-College* in *Cambridge*, under the Tuition of *Dr. Whitgift*, (afterwards Archbishop of *Canterbury*) from whence he went to the *Inner-Temple*, where he made such a Progress in the Common Law, that he grew eminent in his Profession; was made Solicitor to Queen *Elizabeth* (of famous Memory,) and Speaker of the House of Commons in the 25th Year of her Reign. He was also Attorney-General to the same Queen, and to King *James* the First, (her Successor) who advanced him to the High and Honourable Station of Lord Chief Justice of both Benches, successively, and made him one of his Privy-Council. Losing afterwards that King's Favour, and being thereupon discharg'd from the Office of Lord Chief Justice of the *King's-Bench*, he withdrew into the Country. Some Time after his Removal from the Bench, he was made High Sheriff of *Buckinghamshire*: He died at *Stoke Pogis* in the Shire abovementioned, in the 83d Year of his Age. He raised a great Estate, possessed afterwards by a Gentleman of his Name in *Norfolk*, descended from him.

His Works are, viz. *The Institutes of the Laws of England*, in four Parts, the first whereof hath a Title of, *A Commentary upon* *Littleton*, and gives him deservedly the Name of another *Bartholus* or *Baldus* amongst us. The 2d Part is, *An Exposition upon many Ancient Laws and Statutes*. The 3d relates to *Pleas of the Crown and Criminal Causes*. The 4th treats, *Of the Jurisdiction of Courts*. All in Folio. The rest of his Works are, viz. His Reports in 11 Parts, both in *French* and *English*. The 12th and 13th Part of his Reports was published in *English* since his Death, and a Book of Entries, in Folio.
(1) *Henry*

After the Earls, follow next in order the Viscounts, call'd in *Latin*, *Vice-Comites*. This, as to the Office, is an antient Title, but as to the Dignity but Modern, since we had none of them

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them before the Time of *Henry VI* (1). for he in the eighteenth Year of his Reign, created *John de Bellamonte*, or *Beaumont*, a Viscount: So that that which in antient Time was the Name of an Office, we now at this Day acknowledge to be a certain Name and Title of Dignity plac'd in the Middle betwixt an Earl and a Baron, as a Marquess, betwixt a Duke and an Earl. This Degree of Nobility hath Investiture from the Kings themselves with certain solemn Ceremonies, as the other Degrees of Nobility have.

Amongst

(1) *Henry VI*. But it is of much older Date in other Countries, (*Cassan. in Gloria Mundi, Part. 5. Consider. 55. Selden's Tit. Hon.*) Now is the Time come that the Tide of *England's* Glory must turn; and the sudden Conquest in *France*, by *Henry* the 5th, not unlike the *Macedonian* Monarchy, must disgorge it self of what it had hastily devour'd, but never could digest: Three Things concurred hereunto, one Dangerous, the other two Fatal to the flourishing Condition of any Nation. First, the King is a Minor in the least Degree, that ever any Prince sat on *English* Throne. He entred thereinto, neither knowing what he did, nor where he was; and some say, he sat therein in his Mother's Lap; for his Life had been more in the Womb, than abroad, a sad Prefage of what followed; for many Men think, that he was in a Lap all his Days. Nor are the chief Men to be blamed herein; for it's a certain Truth, that it's much better that Election of a King should be grounded upon a Title that is known, tho' it be by Descent of Inheritance, than upon none at all: For if a Child should

ucceed, or a Lunatick, yet where the Principle of Government resteth upon the Representative of the People, there is the less Cause of Complaint, the Government being still the same, both for Strength, Wisdom, and Uniformity; tho' it may be the Nation not so Active and Brave; for a Common-wealth can admit of no Minority, tho' a Monarchy by Descent may. Secondly, this Deficiency in Nature might have been supplied, but that these Times were unhappy in the great Power of the Lords, to please whom the Government is parcell'd out into two Shares: One is made Protector of the King's Person; the other of the Kingdom; too many by one; for let their Persons be never so eminent for Abilities, if they be not as eminent for Humility, and Self-command, their Hearts will soon over-rule their Heads into a Faction; and therefore, tho' the Earl of *Warwick* was a wise Man, and the Duke of *Gloucester* so too, yet the Earl of *Warwick* with the Duke of *Gloucester* were not wise. On the other Side, the Protectorship of the King's Person being in the Duke of *Exeter*, and that of the Realm in the Duke of *Gloucester*, Things succeeded passing well; for they both had one Publick Aim; and the Duke of *Exeter* could comply with the Spirit of the Duke of *Gloucester*, who otherwise was not so pliant. But after five Years, the Duke of *Exeter* dying, and the Government of the King's Person devolving to the Earl of *Warwick*, who sided with the Proud Cardinal of *Winchester*, against the Duke of *Gloucester*, and so not only consumed the rest of the King's Nonage in a restless Disturbance of Affairs, but also despoiled *H. the 6th* of the Spirit of a King for the Future, and so the Kingdom of a King: For it was not the Condition of *H. the 6th*, to be endowed with a Spirit to such a Height, but might well have been led by Advice, and needed not the Earl of *Warwick's* rugged Brow to overlook him, who was not content to have the King only Attendant upon his Advice, but must have him likewise under his Rod, to be corrected for his Faults; and that by a Commission under the King's own Hand and Seal, dated in the 11th Year of the King's Reign; and so under Colour of curbing, he killed that Spirit in the King, which otherwise, doubtless, had both Mettle and Pride enough to act himself above his due Height, and could
not

not have been so long a Child, and so little a Man as he was. It is very true, that *H.* the 5th by Will, seemed to countenance his Brothers, and it cannot be denied, but the Duke of *Gloucester*, was of such noble Parts, that they could hardly dilate in any Work inferiour to the Government of a Kingdom. Nevertheless, to yield much to the Will of a diseased King in such Cases, is as ill a Precedent, as the making of a King by Adoption. And it had been better for the People to have adhered to the Duke of *Gloucester* alone, than by joining him with another, bring into a Precedent such a luxuriant Complement of State, as a Protectorship of a Kingdom, which is of such little Use to a Common-wealth, and of so bitter Fruit to the Party, as must needs bring Repentance when it is to late: For he that can manage the Protectorship of a Realm without Anger of good Men, or Envy of bad, is fitting to live only with Angels, and too good for the World. Nor did the Duke of *Gloucester* meet with better Measure, how wise soever he was, and truly devoted to the Good of the Realm: For after 24 Years Government, so wisely and faithfully carried on by him, that Justice itself could not touch his Person; Injustice did; and he received this Reward from his Nephew *H.* the 6th, that he died in the Dark, because the Cause durst not endure the Light.

Now is *H.* the 6th perswaded that he is of full Age; he had laid aside his Guardian, the Duke of *Gloucester*, but forgetting to sue out his Livery, he betakes himself from the Grace of God, into the warm Sun, (as the Proverb is) changing the Advice of a faithful, experienced, wise Counsellor, for the Government of an imperious Woman, (his Queen) who allowed him no more of a King than the very Name, and that also she abus'd to outface the World. And after she had removed the Duke of *Gloucester* out of the Way, undertook the Sway of the Kingdom in her own Person, being a Foreigner, neither knowing nor caring for other Law, than the Will of a Woman. Thus the Glory of the House of *Lancaster* goes down, and now a Star of the House of *York* appears in the Rising, and the People look to it. The Queen hereat becomes a Soldier, and begins the Civil Wars between the two Houses, wherein (her *English* Party growing

wife and weary,) She prays aid of *Ireland*, a Nation, that like unto Crows ever wait to prey upon the Infirmities of *England*. The Wars continue about sixteen Years by Fits, wherein the first Loss fell to the *English* Party, the Pretensions being yet only for good Government. Then the Field is quiet for about four Years; after which the Clamour of ill Government revives, and together therewith a Claim to the Crown by the House of *York* is avouch'd; thereupon the Wars grew hot for about four Years more, and then an Ebb of as long Quiet ensues; The Tide at last returns, and in two Years War ends the Quarrel, with the Death of 80 Princes of the Blood Royal, and of this good Man, but unhappy King; unhappy King, I say, that to purchase his Kingdom's Freedom from a foreign War, sold himself to a Woman, and yet lost his Bargain; and left it to Observation, that a conscientious Man that marries for By-Regards, never thrives; for *France* espied their Advantage, they had maintain'd War with *England*, from the Death of *Henry* the 5th, with various Success. The Duke of *Bedford* being Regent for the *English*, for the Space of fourteen Years, mightily sustain'd the fainting Condition of the *English* Affairs in those Parts; and having crowned his Master *Henry* the 6th in *Paris*, in the ninth Year died, leaving behind him an Honourable Witness, even from his Enemies, that he was a brave Commander, a true Patriot, a faithful Servant to his Lord and Brother *Henry* the 5th, and to his Son *Henry* the 6th. But now the Duke of *Bedford* is dead; and tho' the *French* had concluded a Peace with the *English*, yet they could not forget the Smart of their Rod, but concluded their Peace upon a Marriage, to be had with a Woman of their own Blood and Interest, and what they could not effect by Arms in their own Field, they did upon *English* Ground by a Feminine Spirit, which they sent over into *England* to be their Queen; and in one Civil War (shedding more *English* Blood by the *English* Sword, than they could formerly do by all the Men of *France*,) were reveng'd upon *England* to the full, at the *English* Men's own Charge; for what the *English* gain by the Sword, is commonly lost by Discourse,

A King:

A Kingdom is never more befool'd, than in the Marriage of their King : If the Lady be great, she is good enough, tho' as *Jezabel*, she will not either Reverence her Husband, obey her Lord and King, nor regard his People: And then was this Kingdom scourg'd by a Marriage for the Sin of the wife Men, that (building upon a false Foundation,) advis'd the King in the Breach of Contract with the Earl of *Armmach's* Daughter: And thus the King also, for that hearkning to such Council, murder'd the Duke of *Gloucester*, (that had been to him a Father,) yielded up his Power to his Queen, (a Masterless and proud Woman, that made him like a broken Idol without Use,) suffer'd a Recovery of his Crown and Scepter in the Parliament from his own Issue, to the Line of *York*: Then renewing the War (at his Queen's Beck) lost what he had left of his Kingdom, Country and Liberty, and (like the King that forgot the Kindness of *Jehoiada*,) lost his Life by the Hand of his Servant. (Bacon's *Historical Discourse of the Uniformity of the Government of England*, Part 2.)

(1) Free-

Amongst the greater Nobility, Barons have the next and last Place, whose conjoin'd Power, compar'd with the rest, hath in the principal Affairs of the Common-wealth always been the greatest; of whose Beginning even Truth it self doubtfully wavereth. A certain learned Author saith, *Quod Reges cum plures haberent filios, nec omnes Reges posse fieri (quod Regnum dividi nequeat) prospicerent, ampla cuique dabant Castra cum jurisdictione & imperio; unde Barones dicerentur, id est, Filii aliis excelsiores.* Some will have the Word *Baro* to have been

derived from the *Greek* Word *Βασις*, signifying Grave or Weighty. Others again suppose them to have been originally Generals or Leaders of Nations and People, dispersedly roaming and straggling up and down without any certain resting Places, after the Empire was fallen into decay, who equally dividing the Lands, by Force or Leave by them gotten, did as it were by a tutelar Law govern the People, holding of them in Fealty, and subject to every one of their Jurisdictions, either with a mere Sovereignty apart as Monarchs, or under some other common Prince. Hence *Baldus* calls a Man of greatest, middle, and meanest Authority and Command, *Baronem*, or a *Baron*: But they who in Power and Authority, were in a Manner alike and equal, were before in *Latin* called *Pares Homines*, (or like Men) but by the *French* and *Italians* (speaking more contractly) *Par-hommes* and *Par-buomini*, and therefore they might (saith he) be called *Baroni* and *Barons*; for with a more free Pronunciation, they in their Words easily admit *b* for *p*, and to give more Credit to this Matter, he addeth thereto to the Force of divers Languages. For those whom the *French* from the Beginning called Barons, we

in the same Sense in antient Time call'd *Thayni*, and in *Engliſh* at this Day, Lords; whom the *Germans* by a Circumlocution more properly call *Free-heren*, (1) which with us, truly ſignifieth Free Lords, *i. e.* Lords having free Jurisdiction and Territories. But from whence this very Word Lord (2) is ſprung, (which is not ſo much peculiar to Barons, as to all Noblemen in general) remaineth yet doubtful,

But

(1) *Free-heren.*] Barons or *Frey-heren* of the Empire are principally ſuch as poſſeſs Territories and Juridiſdictions from the Emperor, together with the Dignity of a *Baron* or *Frey-heren*, which Title is alſo, as thoſe of moſt other Dignities, communicated ſometimes to ſuch as have no Juridiſdictions or Territories. But that is accidental, only, and proceeds from ſome ſpecial Deſcent, Grant or Cuſtom. For regularly and originally both Juridiſdiction and Territory are eſſential to them. Yet by Reaſon of ſuch Barons without Territory, *Barones* (ſaith *Paurmeiſter*, Cap. 10. Sect. 31.) *in genere definiſſio Proceres proximo, poſt Comites, Nobilitatis gradu Ornatos*; and ſo he defines them without any particular Relation to their Territories and Juridiſdiction. But *Baldus* makes the Territories and Juridiſdiction chief Parts of the Dignity; for he ſaith that a Baron is one that hath *merum mixtumq; imperium in aliquo Caſtro, Oppidove, Conceſſione Principis*, which is but, as if he had ſaid, a Baron is one that hath a Territory leſs than a *Count* or *Grave*, and without the Title of *Count* or *Grave*, but with Juridiſdiction in it, both for Civil and Criminal Cauſes; whence it is alſo, that this Dignity in regard of the Nature of it (which ſomes ſo near to an ordinary *Grave* or *Count*) tho' it differs in Name, is by ſome Lawyers of good Note (as

Paur-

Paurmeister, who uses the Testimonies of those *Feudists*, *Zasius*, *Scenchi*, and *Rothensal*; and *Besoldus*, and others) in the Empire reputed, as that of a *Grave* or *Count*. But altho' these so, almost confound *Barons* of the Empire with *Counts*, which is a Dignity superior to them; yet others not only separate them from *Counts*, as having a much less Territory, and wanting the Investiture of *Grasse-schafft* and the Title of *Graves* (and in these Cases, the Title makes the distinction) but also distinguish them into several Kinds among themselves. Some make Six Kinds of them, and give them their several Names.

The First they call *Freyen*, which is as much as *Liberi* or *Freemen*. The Second *Frey-herren* or *Liberi Domini*. The Third *Semper Freyen*, or *Semper Liberi*, which is given to those that are the Special four Barons of the Empire. The Fourth *Herren* or *Domini*, or *Lords*. The Fifth *Edlen Herren*, or *Nobiles Domini*. The Sixth is only *Edlen* or *Nobiles*, as *Edle von over-furst*, for the Baron of *Over-furst*, and sometimes *Edle* after the mention of the Barony. Others make two Kinds only; the one of *Free-herren*, Simply so call'd, by which they say, are understood Barons, that have their Baronies, consisting of *Fiefs*, or held in *Feudal Right*; the other of *Semper-Freyen*, that are such (they say) that have *Fiefs* held under them, but hold not their Baronies as *Fiefs*. And some would have three Kinds of them, *Semper-Freyen*; *Free-beeren*, and *Heeren*: That of *Semper-Freyen* they find in the Special four Barons of the Empire. And for *Heeren*, absolutely distinguish'd from *Freyen* or *Frey-herren*, they find them so in some Ordinances of the Empire, where *Cburfursten*, *Fursten*, *Graven*, *Freyen*, and *Herren* are reckon'd with such a Distinction between *Freyen* and *Herren*. But I see some great Lawyers of the Empire, that carefully examine these Distinctions, allow none of them, as they may any way conduce to the making several Ranks among the Barons. Thus they take rather the Name of *Freyen*, *Frey-herren*, *Edlen*, *Herren* and *Edlen*, for indifferent Words that denote them. And observe by the way, that the Word *Baron* is not us'd in *High-Germany*, saving when they express their *Frey-herren* in *Latin*. But in *High-Dutch* they call a *Baron* by some of those other Names always, tho' in *Low-Dutch* the Word *Baron* be some-

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sometimes used. But, *ego Baronum genera nulla esse arbitror* (saith *Paurmeister*) & quocunq; nomine *Semper-Freyen, Frey-herren, Freyen, Edle Heren, vel singulariter Heren, Edle vel die Edle appellantur, Nobilitate ac Dignitate pares esse: Omnes enim generali vocabulo Heeren, comprehenduntur; ut perpetuo habet Decretorum Comitiorum subscriptio, Vonder Graven und Heeren Wegen, i. e.* by the Assent and Authority of the Graves and Barons; so that all Barons of the Empire, immediately to the Emperor, are of some Rank, and are known also indifferently by all those Names, saving that of *Semper-Frey-heren*, which belongs only to those more Eminent Four; who, it seems, have it not as a Distinction of their Rank, from the Rank of other Barons; but only to denote their Antiquity in the Rank of Barons, tho' others would draw the Original of that Title from the solemn Words of *Semper ingenuus existat*, or the like in old Manumissions, as if thence afterward, that Name had been left on such as were made Barons antiently in the Empire: but I see not ground enough for that Conjecture; and as *Heeren* is a common Name for *German Barons*, so is *Heerschaft* for a *Barony*. (*Selden's Tit. Hon. Part 2, Chap 1, Page 353, 354. Sect. 51.*)

(2) *Lord*] According to my Promise, I here present the Reader with the true and genuine Etymology of the Word *Lord*, taken out of *Verstegan's Restitution of decay'd Intelligence*, whose Authority I account *Sterling*; I find (saith he) that our Ancestors us'd for *Lord*, the Name *Laford*, which (as it should seem) for some aspiration in the Pronouncing, they wrote *Hlaford* and *Hlafurd*. Afterwards it grew to be written *Loverd*, and by receiving like Abridgement as other our antient Appellations have done, it is in one Syllable become *Lord*. To deliver therefore the true Etymology, the Reader shall understand, that albeit, we have our Name of Bread from *Bread* as our Ancestors were wont to call it, yet us'd they also, and that most commonly, to call Bread by the Name of *Hlaf*, from whence we now only retain the Name of the Form or Fashion, wherein Bread is usually made, calling it a Loaf, whereas Loaf coming of *Hlaf* or *Laf*, is rightly also Bread it self, and was not of our Ancestors taken for the Form only, as now we use it. Now

Now it was usual in long fore-going Ages, that such as were endued with great Wealth and Means above others, were chiefly renown'd (especially in those *Northern Regions*) for their House-keeping, and good Hospitality, that is for being able, and using to feed and sustain many Men, and therefore were they particularly honour'd with the Name and Title of *Hlaford*, which is as much as to say, an Afforder of *Laf*, that is a Bread-giver, intending (as it seemeth) by Bread, the Sustenance of Man; that being the Substance of our Food, the most agreeable to Nature, and that, which in our daily Pray'rs we especially desire at the Hands of God; and if we duly observe it, we shall find that our Nobility of *England*, which generally do bear the Name of Lord, have always, and as it were of a successive Custom (rightly according unto that honourable Name) maintain'd and fed more People, to wit, of their Servants, Retainers, Dependants, Tenants, as also the Poor, than the Nobility of any Country in the Continent, which surely is a Thing very honourable and laudable, and most well besitting Noblemen, and right noble Minds.

Lord. *Dominus* is a Word of Honour with us; and is diversly us'd; sometimes attributed to a Man noble by Birth or Creation, and are otherwise call'd Lords of Parliament; sometimes to those who be so call'd by the Courtessie of *England*, as all the Sons of a Duke, or the eldest Son of an Earl; sometimes to Men honourable by Office, as Lord Chief Justice, &c. And sometimes to a mean Man that hath Fee, and so consequently the Homage of Tenants within his Mannor. (*Cowel's Interp.*)

Out of the same Author the Word Lady, as a consequent Title of Lord, hath its Derivation. He speaks of it thus, *viz.* The Name or Title of Lady (our honourable Appellation generally for all Principal Women) extendeth so far, as that it not only mounteth up from the Wife of the Knight to the Wife of the King, but remaineth to some Women, whose Husbands are not Knights; such as having been Lord-Mayors are afterwards only call'd Masters, as namely the Aldermen of *York*. It was anciently written *Hleafdian* or *Leafdian*, from whence it came to be *Lafdy*; and lastly Lady. I have shew'd here last before (saith *Verstegan*) how *Hlaf* or *Laf* was sometimes

times our Name of Bread, as also the Reason, why our noble and principal Men came to be honoured in the Name of *Laforde*, which is Lord; and even the like in Correspondence of Reason must appear in this Name of *Leafdian*, the Feminine of *Laforde*; the first Syllable whereof being antiently written *Hleaf* and nor *Hlaf*, must not therefore alienate it from the like Nature and Sense; for that only seemeth to have been the Feminine Sound, and we see that of *Leafdian* we have not retain'd *Leady* but *Lady*; well then, both *Hlaf* and *Hleaf*, we must here understand to signifie one Thing, which is *Bread*, *Dian* is as much as to say as to serve, and so *Leafdian* is a Bread-server; whereby it appeareth, that as the *Laforde* did allow Food and Sustenance, so the *Leafdian* did see it serv'd and dispos'd to the Guests. And our antient, and yet continu'd Custom, that our Ladies and Gentewomen do use to carve and serve their Guests at the Table, which in other Countries is altogether strange and unusual, doth for Proof hereof well accord, and correspond with this our antient and honourable Feminine Appellation. (*Restitution of decay'd Intelligence.*)

(1) *Probus*]

But forasmuch as 'tis Custom to call all Dukes, Marquesses, Earls, and Viscounts (and some of the greatest Officers, and Magistrates of the Kingdom also, tho' they be not Barons) after the manner of Barons, Lords; some will have it to be a Primitive and Original Word of itself, sprung out of the *Saxon* Word *Hlaford*, which is interpreted Lord. Others also suspect it to have been a derivative Word, and to have been first brought out of *Burgundy*; it being manifest that the Emperor *Probus* (1) sent the *Burgundians* (2) (after he had conquer'd them) into

into *Britain*; who having here seated and settled themselves, did the *Romans* great Service if at any time Rebellion did arise, or was stirred up against them. And in that Place they call it *Allodium* (3), which signifieth free, and discharg'd from all Homage and Service; and such Sort of Possessors and Owners are even at this Day call'd *Allodij*, whom we, resting almost upon the same Reasons, do in *English* call Lords.

Contrary

(1) *Probus* (*Marcus Aurelius Valerius*) became a *Roman* Emperor, tho' but Son to a Peasant of *Dalmatia*: He was chosen (according to *Tacitus*) by the Army, that was then in the East in 276. He was famous for his Victories, for in *Gaul* he defeated 400000 *Germans*; afterwards bravely overcame the *Sarmatians* in *Illyrium*, and the *Goths* in *Thrace*. *Bonofus* & *Proculus*, who had revolted from him, were also defeated by him, as well as *Saturninus*. His Prudence and Conduct made him generally belov'd, and there were great Things expected from his Government; but he was kill'd basely at last in 282. by his Soldiers, who were incens'd against him, because he kept them close under Military Discipline, and for fear of being disbanded, when this Prince had subdued all the Enemies of the Empire, after he had Reigned six Years and four Months.

(2) *Burgundians*] The People, who establish'd the Kingdom of lower *Burgundy*, (a Province in *France*, and now a Dutchy,) in the Time of *Honorius*, came from old *Germany*. The *French* pretend, that they are of a *Gaulish* Original, Subjects and Allies to the *Autunois*, and that the latter having made Peace with the *Senonois*, the
Bur-

Burgundians, who feared their Resentment, being not comprehended, withdrew into *Germany* with their Families, where they joyn'd with the *Vandals*. *Pliny* makes the *Burgundians* one of the five principal Branches of the People of *Germany*. There are five Tribes (says he) or Divisions of the *Germans*; *inter Cateros, Vindili quorum Pars Burgundiones*. Those, which he calls *Vindili* are the *Vandals*; but their Tallness, which commonly was seven Foot (according to the Testimony of *Sidonius Apollinaris*) their Customs and Religion, shew rather, that they came out of the *North*, as well as the *Goths*, *Alands*, and *Lombards*. They lodg'd in Tents, which they joyn'd together, the better to be in a way of making a Body, when it was requisite to take Arms; and call'd these Kind of Assemblies *Burgi*, whence is come the Name of *Burgundy* and *Burgundiones*. Their Religion was like unto that of other *Northern* Nations. They had several Priests, but the Head and Principal of them all was distinguish'd by the Name of *Siniste*, which was a Title of Honour. He was perpetual, and the People had an extraordinary Respect and Consideration for him. They receiv'd the Christian Faith about the Year 430.

Now for *Verstegan's* Authority in this matter. The *Germans* (saith he) after they were mightily encreas'd in their ample and spacious Country of *Germany*, replenishing every Quarter and Part thereof, it could not be otherwise, seeing to all Nations and Countries the like is, and hath been common, but that the Inhabitants in one Part of the Country, by some Name or other, must be distinguish'd from those of another Part or Province, and that upon sundry different Occasions and Reasons, as upon Divisions of Governments among themselves, upon the Nature and Condition of the Soil, wherein they liv'd upon some Custom or Fashion, which some affected more than others, or of the Names of such great Men or Commanders, as some might lean unto and follow, whereof divers like Examples in other Nations are also to be found. *Strabo*, *Cornelius Tacitus*, *Ptolomey*, and others do set down the Names of sundry Sorts of People among them; but both they and other Foreign Authors may easily therein have err'd; I mean in the true Orthography; for we ordinarily see that almost no Strangers do Name
other

other People or Places just as the People themselves do; being Strangers unto them; and therefore the ancient *German* Names being by *Latin* or other Authors strain'd and drawn unto their Orthography, according to their Fancies, from their very own Nature, hath made them afterward to be the more hard to be discover'd; nevertheless, it should seem by some nearness, that the latiniz'd Appellations do carry unto some *Teutonick* Appellations, that the Name of *Istevones*, is drawn from the Name of *Outereftwoners*, *i. e.* such as dwell most outward. And *Ingevones*, seemeth to be *Innerwoners*, *i. e.* inward Dwellers. *Burgundiones* (our Word here) seems rightly to have been named *Bourg-woners*, *i. e.* such as dwell in Bourghs, or fenc'd Places, &c.

(3) *Allodium*.] They who write of the Feuds, define *Allodium* to be every Man's own Land, &c. which he possesseth merely in his own Right, without Acknowledgment of any Service, or Payment of any Rent to another; and this is a Property in the highest Degree.

(1) *Leudis*,

Contrary to these *Allodii* or Lords, are the *Leudes* or *Leudi* (1) as subject to the *Allodii*; whereof perhaps the Word *Laird* (2) is used amongst the *Scots*, who with them is a Gentleman of the better Sort, but inferior in Degree to a Baron, whom they with us also call a Lord.

But

(1) *Leudis*, alias *Leudus*, &c. *Leodis*] *Vassallus*, *Cliens*, *Homo Ligeus*, seu *Feudalis*. *V. Goldast. ad Burchar. cap. 8. pag. 216.*) *vox utraque ex eadem Radice (eo) diptongo Saxonico in (eu) verso ut in Feudum pro Feodum. Leob Sax.*

Sax. Plebem & Populum significat. etiam subditum & servum. sic in Homiliis Saxonice Leobscip, pro Servitute. Hinc Gallis, Leude pro Vassallo, & quem nos Tenentem dicimus. Germanicis Leute: Anglis veteribus Loute, pro Serviente & subdito; Louten pro submittere, & conquiescere; unde id Chauceri, (viz.)

He could not religiously Che Loute, &c.
Non potuit more Religiosorum Conquiescere.

Leudes apud Gallos, liberi sunt, aut serviles, vernacule Leudes Francs, & Leudes Jerfs. Hi rei Rustica ascripti, tributa pendunt & Opera servilia, illi ad Militiam designati, nobiles habentur & immunes a Tributis.

Pro Baronibus, Leudes igitur generaliter dicuntur de omnibus Regni subditis, specialiter de vassalibus predialibus, tam Servilibus, quam Foedalibus & nobilibus, inter Nobiles restrictius adhuc de Vassallis illis Regiis, quos Barones vocant. & hac quidem significatione frequentius veniunt in Historiis, sed ab aliis vix saepe decernendi. Greg. Turonens. Hist. Lib. 3. Cap. 23. Theodbertus Rex a Leudibus suis defensatus est; & in Regno stabilitus. Idem, lib. 8. cap. 9. Credo (inquit Rex) alicujus ex quod Leudibus nostris sit Filius, nam si de stirpe nostra fuisset, ad me utique fuisset deportatus. Aimoinus lib. 3. cap. 80. fuit autem Guntrannus in Bonitate precipuus --- Christi Sacerdotibus se Humilem prebens, Leudis suis Benevolum, Gentibus externis pacatum. Lex Burgund. in Additamento. l. Ca. 1. Sect. 14. aperte distinguit Leudes a reliquis subditis. Cum enim de Omnibus caverit Burgundionibus in genere, particulariter adjecit, Leudes vero si hoc presumpserit facere --- solvas, &c. non male igitur Hieronymus Bignonius, Vir Doctiss. ad Marculf. Lib. 1. Formul. 40 Leudes (inquit) apud Gregorium Turenensem ita dicuntur, qui Fideles Regis sunt, & qui nulli preterquam Principi Obnoxii sunt, quos sequens Aetas Barones dixit. Citat huc inter alia ex Appendice Gregorii, cap. 54. Chlotharius cum Proceribus & Leudibus Burgundie, Trecaassinis conjungitur. Et (quod notat, Leudes Baronum nomine comprehendere) cap. 41. Burgundici Barones vero

tam Episcopi quam ceteri Leudes timentes Brunchilden, &c. Dubito tamen an hac loca (& similia) de illo Leudum genere solummodo sint intelligenda, qui Barones & Fideles Regis (viz. ob acceptum Beneficium) dicebantur: Erant hi quippe Regni Proceres quos ab aliis quibusdam Leudibus, discernere videtur Author Appendicis; cenfeo a Leudibus nihil de Rege percipientibus. Tale enim fuisse genus aperte indicat Wisigothor. Lib. 4. Tit. 5. l. 5. quod si inter Leudes, quicumque nec Regiis Beneficiis aliquid fuerit consecutus. Leudes igitur alias reperio

Pro subditis & Vassallis in Genere: Cujus Gregorius Turon. vocabuli (perinde ac non tum in usu) nusquam, si recte meminerim, mentionem fecit. Sic autem Appendix. cap. 56. Dagobertus universos Leudes quos regebat in Austria, jubet in exercitu promovere. Item cap. 58. Tanto timore Pontifices, Proceres in Burgundia consistentes, seu & ceteros Leudes, adventus Dagoberti concusserat. Et mox cum Lingonas civitatem venisset, tantâ in universis Leudibus suis, tam sublimibus, quam pauperibus judicabat justitiâ, ut crederetur omnino fuisse Deo placabile, &c.

Pro Laico, populari & illiterato. Leges Aluredi MSS. Tit. de Sanctimonialibus. Siquis Nunnam causa fornicationis in vestes aut in sinum comprehendat; sit hoc duplo emendabile, sicut ante simpliciter de Laica decrevimus: Codex Saxon. cap. 18. hic pro Laica legit belapedum, de laicis. Appendix. Greg. Turon. cap. 1. Guntherannus, Rex Francorum ----- cum Sacerdotibus utiq; Sacerdotis instar se ostendebat, & cum Leudis erat aptissimus. Idem hic supra Aimoinus. lib. 3. cap. 80. & Chaucerus nominat, viz.

Blessed be the leud Man,
That nought save his Belief can.

Featus pol Vir ille Laicus
Qui Fidei tantum Symbolum callet.

Gloss. Sax Læpedman, laicus medulla Gram. MS. laicus, ca, cum, lewede, & popularis. Etiam promptuarium vetus Anglo-Latin. Lewede, illiteratus, laicus inscius, ignarus: Et juxta Catholicon, incipiens. Lewdness of Clergy illitera-

illiteratura, ignorantia, &c. tantum abest ut leudis idem sit quod fides, leudes, idem quod Gall. leaux, ut quibusdam visum.

Pro nequam & improbo. Sic nos hodie solummodo utimur. Leudis etiam leodis, & leudum dicuntur de capitis astimatione leudis occisi: Scil. de compositione quam aliter Weram & Wergildum vocant. vid. hac. Formul incerti Authoris (post Marculf) cap. 23. sic ab ipsis viris fuit judicatum; ut illam leudem solvere deberet. mox nec de ipsa leude ---- repetitiones agere. Longobard. Lib. 1. Tit. 9. l. 28. ---- componat (Fredum Regis. i. e. 60. Sol.) et insuper compositio ipsa fiat de ipso homicidio, cui legibus leudum ipsum pertinuit. Sape in L. Salica, Frison, &c.

Leudum præterea dicitur (ut Feudum) pro terra quam leudis a Domino accepit in leudisamium, seu servitium leudis. Quod vide (Spelm. Gloss.)

(2) Laird.] Cambden (speaking of the Degrees of Scotland in his Britannia) places those, who are called Lairds, and commonly without any Addition, Barons, in the second Place amongst the Nobles of a lower Degree, amongst whom none were anciently reckoned, but such as held immediately of the King Lands in Capite, and had the Jus Furcarum, i. e. Power to hang, &c.

Selden (in that Part of his Titles of Honour, which particularly relates to Scotland) mentions these Lairds or Barons. But for their Barons; (saith he) the first mention I find of this Title, is the Laws attributed to King Malcolm Makenneth, or the second of that Name; Dominus Rex Malcolmus dedit & distribuit totam terram Regni Scotie Omnibus suis; & nihil sibi retinuit nisi Regiam Dignitatem & montem placiti in Villa de Scone, i. e. the mute Hill of Scone; & ibi omnes Barones concesserunt sibi Wardam & relevium de Hærede cujuscunq; Baronis defuncti ad sustentationem Domini Regis. And to these Barons with Jurisdiction he granted (saith Hector Boetius) Fossam & Furcam, i. e. Pit and Gallows (whereupon as Mr. Skene tells us) in Scotland, he is called one Baronne quba baldis his Lands immediately in Chief of the King, and has Power of Pit and Gallows, and Infangthefe and Outfangthefe.

The Meaning of the Words *Infangthefe* and *Outfangthefe* is this, viz. *Infangthefe*, *Hinfanthefe*, or *Infangtheof*, is compounded of three Saxon Words, 1. The Preposition *In*. 2. *Fang* or *Fong*, to Take or Catch: And 3. *Thefe*, a Robber: It signifieth a Privilege or Liberty granted unto Lands of certain Manors, to judge any Thief taken within their Fee, (*Bracton*, Lib. 3. Tract. 2. Cap. 35. saith) *Dicitur Infangthefe latro captus in terra alicujus de hominibus suis propriis, seistus latrocinio*. In the Laws of King Edward the Confessor, set out by Mr. Lambert, cap. 26. you have it thus described, *Infangthefe justicia cognoscentis latronis sua est, de homine suo, si captus fuerit super terram suam; Illi vero qui non habent has Consuetudines coram justicia Regia rectum faciant in Hundredis*, &c. The Definition hereof, see also in Britton fol. 90. & Rog. Hoveden, part. poster. suor. *Annal.* fol. 345. And Skene de verb. signif. who writeth of it at large, reciting Diversity of Opinions, touching this, and *Outfangthefe*. *Fleta*, lib. 1. cap. 47. says, *Infangthefe*, (for so he writes it,) *Dicitur latro Captus in alicujus terra seistus aliquo latrocinio de suis propriis Hominibus*. Anno 1 and 2 Ph. & M. cap. 15. *Outfangthefe* is thus defin'd by *Bracton* Lib. 3. Tract. 2. Cap. 35. *Utfangthefe dicitur latro extraneus, veniens aliunde de Terra aliena, & qui captus fuit in terra ipsius qui tales habet libertates*. But Britton hath it otherwise, Fol. 90. It is a compound of three Saxon Words, viz. *Out*, *Extra*, *Fang* *Capio* vel *Captus* & *Thefe*, *Fur*: It is us'd in Common Law for a Liberty or Privilege, whereby a Lord is enabled to call any Man dwelling within his own Fee, and taken for Felony in any other Place, and to Judge him in his own Court, (*Rastall's Exposition of Words*, and 1 & 2 Ph. & M. Cap. 15.)

Now after this Digression (which I hope will not be thought impertinent by the Reader, who has a nice Taste, and is well affected to these Curiosities) to return to Selden.

But *generaliter* (saith he, i. e. *Hector Boetius* before mentioned), *in hoc Regno Barones dicuntur, qui tenent terras suas de Rege per Servitium militare per albam firmam, per Feudi firmam vel cum Furca & Fossa. Et nonnunquam*

quam generaliter accipitur pro quolibet Domino proprietario rei immobilis. So that all such Tenants to the King have the general Name of Barons, as our Lords of Mannors have also. And it seems, They all were wont to come to the Parliament of *Scotland*, until by an Act under King *James* the First, in 1427. it was ordained that two Commissaries of every Shire, should be chosen by the small Barons, and sent (as the Use is), in like Sort almost as the Knights of the Shire to the Parliaments in *England*. But the distinct Honorary Title of Baron was, and is only due to such as were Barons of the Parliament or *Barrents*, as they call them. In the same Act of King *James* the First, all Bishops, Abbots, Priors, Dukes, Earls, Lords of Parliament, and *Barrents*, the which by the King will be received, are summoned to Council and Parliament by his Special Precept. The Reason of their Title of *Barrent* appears out of the Solemnities us'd at their Creation of a Baron. But saith (*Skens de verb. Signif. verb. Barrent*) it is manifested by the Act of King *James* the First before cited, that a *Barrent* is a Kind of Estate, greater and more honourable than Barons, because every *Barrent* is by that Act to be summoned to Parliament; but not every Baron. It is true, I think that *Barrent* is of more Dignity than Baron, as Baron in its larger Signification than Baron of Parliament, extends also to those small Barons or *Lairds* that are excluded by that Act.

(1) Courts;

But be the Etymologies of the Name what they will, and let Men think of them as they please, it is generally agreed, that *Free-heren* or Lords (call them which you will) have in all Places lived as free-born Men and of great Esteem, and were the same whom *Cæsar* call'd *Regulos* in *France*, where even now some of the most old and antient Barons, are reported and re-

puted by a certain Right of their Baronies, to contend for Precedence with the new Earls, But how full of Authority and Dignity the Name of Baron and of a Baronage is, will very plainly and easily appear, if either we respect the Antiquity thereof, as those who in antient Time had hereditary Jurisdiction annexed to their Honour and Dignity, and whereof we at this Day retain a Shadow in our Lords Courts, commonly call'd Courts-Baron. (1)

Or

(1) *Courts-Baron.*] *Curia Baronis*, is a Court that every Lord of a Manor (which in ancient Times were call'd Barons) hath within his own Precincts. Of this Court, and of a Court-Leet, you may read at large in *Kitchin*, who hath writ a whole Book of them. *Coke 4 Report*, among his Copyhold Cafes, *Fol. 26. 6.* saith, that this Court is two-fold; as if a Man having a Manor in a Town, do grant the Inheritance of the Copyholders, thereunto belonging, to another, this Grantee may keep a Court for the Customary Tenants, and accept Surrenders to the Use of others, and make both Admittances and Grants. The other Court is of Freeholders, which is properly call'd the Court-Baron, wherein the Suitors, *i. e.* the Freeholders, be Judges, whereas of the other, the Lord, or his Steward is Judge. (*Cowel's Interp.*)

(1) Par-

Or look into the most honourable and venerable Privilege, which they have in the chiefeft Assemblies of the Kingdom; for all Dukes, Marquesses,

Marqueſſes, Earls and Viſcounts, have their Seats with the Barons, in the higheſt and moſt Auguſt Aſſembly of the Kingdom, *i. e.* in Parliament (1), only by the Name of their Baronies, inſomuch that the greateſt Duke ſitting in Parliament (altho' he be plac'd according to the Preheminence of his Degree) holds his Place only by Reaſon of his Barony; nor is the Privilege of ſitting there, for any other Reaſon granted now to our Archbiſhops (2) and Biſhops, (as formerly it was to ſome Abbots, and others of the like Sort), but becauſe they have the Poſſeſſion and Dignity of ſome Baronage or Barony, annex'd and join'd to their Biſhopricks. Nay, the eldeſt Son of a Duke, tho' he be commonly called an Earl, as alſo the eldeſt Son of an Earl, tho' by the Flattery of Cuſtom, and in Reſpect of his Blood, he be call'd in *Latin*, *Dynaſta* or *Dominus*, in *French*, *Signeur*, and in *Engliſh*, a Lord; yet if we conſider the Force of the Law, they are not to be number'd either amongſt the Earls or Barons, but only to be counted Eſquires (3); nor can they challenge any Voice or Suffrage in the Parliaments of the Kingdom, ſo long as their Fathers live. However we have it often in Experience, I confeſs, that whenever the King

shall see the eldest Son or Heir of a Duke, Marquess, or Earl, duly qualify'd by Wisdom and Age, and worthy to be present at so great Assemblies as Parliaments; he promotes him to the Height of that Honour, and by a Writ of Summons (as they term it) his Father being yet alive, according to the Name and Stile (if he be the Son of a Duke) of his Barony; or if he be the Son of a Marquess, or of an Earl, by the Name whereof he was before call'd, and whereof he was Heir Apparent, and with which his Father also was before invested. This, I say, sometimes is done, and may be done by the Favour only of the Prince, whose Prerogative herein is so indeterminate, as that he may promote to Honours, and admit into Parliament whom he pleaseth, many Examples whereof are extant upon Record,

For

(1) *Parliament.*] *Parliamentum*, deduced from a French Ground, (*viz.*) *Parler*, to speak, and *Ment*, the Mind, is the Greatest, and by far the most Honourable of all the Tribunals or Courts of Justice in *England*. It is indeed a solemn Conference of all the States of the Kingdom, summon'd together by the King's sole Authority, to treat of the weighty Affairs of the Realm: And the Writ which summons it, says, *ad consulendum, &c. de Arduis Regni negotiis*. The antient Brittons had no such Assemblies. That the Saxons had something like it, may appear from the Laws of King *Ina*, who flourished, Anno

712. and they called it *Wittenage-mote*, i. e. an Assembly of wise Men. The Latin Writers of that and the next Age, call it *Commune Concilium*, *Curia Altissima*, *Generale Placitum*, *Curia Magna*, *Magnatum Conventus*, *Præsentia Regis*, *Prælatorum Procerumq; Collectorum*, *Commune totius Regni Concilium*, &c. And as *Livy* calls the General Council of *Ætolia*, *Panætolium*, so this of ours may be termed very properly *Pananglium*, consisting of the King and the three Estates of the Realm, viz. the Lords Spiritual, the Lords Temporal, and the Commons, (who there represent the Body of the Nation) for the debating of Matters touching the Commonwealth, especially the making and altering of Laws. This Court is not held at certain set Times, but is call'd and dissolv'd at the King's Pleasure, which is a Prerogative of the Crown. To Sum up all, take what my Lord *Coke* (in *Lib. 2. Cap. 10. Sect. 164.* on *Littleton*, and in the fourth Part of his *Institutes*) saith of this Court, viz. *Si vetustatem spectes, est Antiquissima, si Dignitatem, est Honoratissima, si jurisdictionem, est capacissima.*

(2) *Archbishops.*] All the Archbishops and Bishops of England have been founded by the Kings, and do hold of them *per Baroniam*, and have been all called by Writ to Parliament, and are Lords of Parliament: And the Bishops of Wales are also called by Writ to Parliament, and are Lords of Parliament as Bishops of England. (*Co. Instit. 1. Fol. 97.*)

Again, every Archbishoprick and Bishoprick in England are of the Kings Foundation, and holden of the King *per Baroniam*; and in this Right the Archbishops and Bishops, and such of the Abbots, &c. as held *per Baroniam*, and called by Writ to Parliament, were Lords of Parliament; and this is a Right of great Honour that the Church, viz. the Archbishops and Bishops now have, &c. (*Co. Instit. 2. Pag. 3.*)

(3) *Esquires.*] The Sons of all the Peers and Lords of Parliament, in the Life of their Fathers, are in Law Esquires, and are so to be named, (*Co. Instit. 2. upon Stat. 1. H. 5. Cap. 5. of Additions*) *Selden* saith, (*Tit. Hon. Part. 2. Chap. 5. Pag. 636. Sect. 32.*) we add here, that the

the eldest Sons of Dukes in *England* in their Fathers Lifetime, are fill'd by the Titles of their Fathers Earldoms; and those of Marquesses and Earls by their Fathers Baronies or Viscounties, and are so called Lords; as also other Sons of Dukes and Marquesses are called Lords, my Lord being prefix'd to their Christian or Surnames. But they have these Titles by the Courtesy only or *Curialitas* of the Kingdom, and by Reason of their Fathers being in so eminent Dignity, they enjoy these Stiles: But they are not indeed Barons of the Kingdom, nor Peers or *Proceres Regni*, because they have not by that Right only, Place and Voice in Parliament,

(1) *In*

For we rightly acknowledge no Barons, but those whom the King's Royal Majesty hath first by his Charter created, or else the Parliaments Preheminence and Dignity designed; who so called and once admitted, and in Parliament plac'd (1), are ever after to be held and accounted Barons, and to be reckoned amongst the Nobility of the Baronage of *England*: Nor doth it any where appear, that any of them were afterwards rejected or degraded (2), except by chance their Possessions were so far diminished, as that they were by no Means able to maintain so great an Honour. For as in antient Time, the *Roman* Senators, who had wasted their Senators Substance, were out of Senate removed; even so I say, such are either of their own Accord to abstain from coming into

into the upper House of our Parliaments, or else (I may say perhaps) are not admitted to sit there, tho' they for ever still retain the Stile and Name of their Barony.

And these be they whom we acknowledge to be named Nobility, whereof the Barons are the most honourable, resembling the antient Form of a Reverend *Roman* Father, register'd to be one of the Council of State, and of the Senatorian Dignity, and with us, gives an Entrance to all the higher Degrees of Honour, as did that amongst the antient *Romans*. At first it was for a certain Space given to none, but those who for their Martial Prowess were renowned; to whom also the Ensign (3) of a Barony was given, as was the Right of wearing a Gold Ring granted to the *Roman* Gentlemen: But afterwards not only they, whom Martial Deeds had recommended, but even they also, whom their Nobility of Birth, their Manners, Fortune or Wisdom, had at Home ennobled, were wont by the Kings Writ of Summons to be call'd forth to the high Assembly of Parliament (4). And at length King *Henry VI.* brought in the Fashion to create some by this Name, by Vertue of his Royal Charter: The Form whereof, together with that other of calling by Writ of Summons

mons to the Parliament, may be seen at large in several Books of Heraldry ; to which I here for Brevity sake refer the Reader.

Now

(1) *In Parliament plac'd.*] If a Man be call'd by Writ to the Parliament, and the Writ is deliver'd unto him, and he dieth before he cometh and sits in Parliament, whether was he a Baron or no? And it is to be answer'd, that he was no Baron, for the Direction and Delivery of the Writ to him, doth not make him Noble; for the better Understanding whereof, see the Words of the Writ: And this Writ hath no Operation or Effect until he sit in Parliament, and thereby his Blood is enobled to him, and his Heirs lineal, and thereupon a Baron is called a Peer of Parliament. And if Issue be joined in any Action, whether he be a Baron, &c. or no, it shall not be tried by Jury, but by the Record of Parliament, which could not appear unless he were of the Parliament.

Therefore a Duke, Earl, &c. of another Kingdom are not to be sued by those Names here, for that they are not Peers of our Parliament; and albeit the Creation by Writ is the antienter, yet the Creation by Letters Patents is the surer. For he may be sufficiently created by Letters Patents and made Noble, albeit he never sit in Parliament. (*Co. Instit. 1. Fol. 16.*)

(2) *Degraded.*) *George Nevil*, Duke of *Bedford* was Degraded for want of an Estate to support his Dignity, by a particular Act of Parliament, made at *Westminster*, the 16th of *Jan. An. 17. Ed. 4.* which Act after the recital of the Erection and making the said *George*, Duke, expresseth the Cause of his Degradation in the Words following, *viz.*

And for-as-much as it is openly known, that the said *George* hath not, nor by Inheritance may have any Livelihood to support the same Name, Estate, and Dignity, or any Name of Estate, as oftentimes it is seen, that when any Lord is call'd to high Estate, and have not livelihood
convenient

convenient to support the same Dignity, it induceth great Poverty and Indigence, and causeth oftentimes great Extortion, Imbracery and Maintenance to be had, to the great trouble of all such Countries, where such Estate shall happen to be Inhabited. *Wherefore the King* (now comes the Enacting Clause) *by the Advice of his Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, Ordaineth, Establisheth, and Enacteth, that from henceforth the same Erection and Making of the same Duke, and all the Names of Dignity to the said George or to John Nevil, his Father, be from henceforth void and of none effect, &c.*

(3) Ensign; These which are Earls and Barons have Offices and Duties annex'd to their Dignities of great Trust and Confidence, for 2 purposes,

1st. *Ad Consulendum tempore Pacis.*

2d. *Ad defendendum Regem & Patriam tempore belli.*

And prudent Antiquity hath given unto them 2 Ensigns to resemble and put them in Mind of their Duties. For,

1st. They have a long and Honourable Robe of Scarlet, resembling Council; in respect whereof they are accounted in Law, *De magno Concilio Regni.*

2d. They are Girt with a Sword, that they should be ever ready to Defend their King and Country. (*Co. Instit. 2. Pag. 5*)

(4) Parliament.) This is the most antient Method of Creating of Barons; and is by *Cambden* (in his *Britt.*) originally referr'd to King *Henry* the 3d.

This Writ then ran (*hac vice tantum*) which making the Estate of Nobility to be but Casual, and to depend intirely upon the Prince's Pleasure, Men sought a more certain Hold, and obtain'd of the King Letters Patents to settle such Honour upon them and their Heirs Males; and these were intituled Barons by Patent or Creation, whose Posterity be now by Inheritance and true Descent of Nobility

bility those Barons, that be call'd Lords of Parliament; whom the King may Create at his Pleasure; yet nevertheless there are Barons by Writ, as well as by Letters Patents, who are nam'd by their Baronies. These Barons, which were first made by Writ, may now justly be call'd Barons by Prescription; for that they have continu'd Barons by themselves and their Ancestors, beyond the Memory of Man. Barons, by Letters Patents or Creation (say our Antiquaries) commenc'd in the time of *Richard the 2d*; and none (according to *Sir Tho. Smith*) were created Barons in *England*, but they, who could dispend 1000 *l. per Annum*, or at least a 1000 *Marks*. So that there be 4 Kinds of Barons. 1st, By Writ; 2d, By Letters Patents; 3d, By Charter; and 4th, By Tenure; viz. the Bishops of the Land; all whom (as I a little before hinted) by vertue of Baronies annex'd to their Bishopricks, have always had place in the upper House of Parliament, and are term'd Lords Spiritual.

(1) *Clarence*

Now as to the manner of restoring renew'd Nobility, before lost, I shall not dwell long upon it; but after a slight touch, pass over to that Political Nobility, which resteth chiefly upon the Customs of Nations.

Such as have by their own or others Fault lost their Honourable Stiles and Titles, are wont to have the same, by Petitions exhibited to the King in full Parliament, restor'd; which I would have to be a Confirmation of renew'd or restor'd Nobility. Whereof the Request of *Margaret*, Daughter to *George Duke of Clarence* (1) in Parliament, in the first Year of King

King *Henry* the 8th (2) (to omit others) may serve for Example ; whereby she is restor'd to the Stile, State, Name, Title, Honour and Dignity of the Countess of *Salisbury* ; from which *Edward* her Brother, Earl thereof, had by his Guilt fallen. The Petition itself is longer than is necessary to be Inserted ; it is in *English* extant in the Records, and is shut up with these Words, *viz.*

Which Petition being Read, and to the full Understood, and Consented unto by our said Lord the King, by the Advice and Assent of the Lords Spiritual and Temporal, and of the Commonalty in the aforesaid Parliament being ; and also by the Authority of the same Parliament, it was unto the same Petition thus Answer'd.

Soit fait come il est desire ;
Be it done according as it is requested.

CHAP.

(1) *Clarence.*] *Clare, Clarence, Lat. Clarentia*, a Country-Village in the County of *Suffolk*, about 6 Miles West of *Sudbury*, upon the River *Stour*, which divides *Essex* from *Suffolk* ; it had once a Castle, but now ruin'd, yet Famous for the great Men, who have bore the Titles of Earles and Dukes of it ; the last of which was *George*,
Duke

Duke of *Clarence*, Brother to *Edward* the 4th, King of *England*, who in 1421 was drown'd in a Butt of *Malmsey*. The 2d King at Arms retains the Sur-name of *Clarencieux*, as appertaining formerly to the Dukes of *Clarence*.

(2) *Henry* the 8th, Heir to both the Houses of *York* and *Lancaster*, succeeded *Anno*. 1509, being about 18 Years of Age. He reign'd about 38 Years, and greatest part thereof with much Applause. But at last he began to be Arbitrary and Severe; and Pleasure and Passion had such an ascendant over him, that they obscur'd his Virtues, and stain'd his former Glory. Then his Reign became unhappy to his Queens, fatal to his Favourites, uneasy to his People, and cruel both to rigid *Papists*, and *Anti-Papists*. His first warlike Attempt was upon King *Lewis* the 12, from whom he took *Terouane* and *Tournay*, in which *Maximilian* the Emperor serv'd under *Henry*. This Breach with *France* naturally drew on a War with the *Scots*, who were utterly routed at the Battle of *Flodden* Field, and their King (*James* the 4th) Slain. After this, the Emperor *Charles* the 5th, and *Francis*, the first King of *France*, Warring one against another, fought after our King's Friendship with great Emulation. First he struck in with the Emperor, who came twice over in Person into *England*; but Cardinal *Woolsey* brought him over at last to the *French* Interest; insomuch that the two Kings had several Interviews near *Calais*, with great Pomp and Splendour; where they contracted a Personal Love to an unusual Degree betwixt Crown'd Heads. No Prince perhaps was ever fonder of a Conjugal Life, but none more greedy of Change. He had 6 Wives, viz. *Catherine* of *Spain*, *Ann Bullen*, *Jane Seymour*, *Anne* of *Cleve*, *Catherine Howard*, and *Catherine Parr*. Two of them he Divorc'd; viz. *Catherine* of *Spain*, and *Anne* of *Cleve*; the first as an incestuous Match, being the Widow of *Arthur* his elder Brother; the last for some Natural Defects: Two he publickly Beheaded, viz. *Ann Bullen* for pretended, and *Catherine Howard* for real Adultery. In his Reign the Reformation (by a strange but kind Providence) began in this Kingdom, Improv'd in *Edward* the 6th's, and was happily settled in Queen *Elizabeth*'s Reign. The Alterations in the Church in this King's Reign occasion'd

tion'd two notable Rebellions, both in the Year 1536, the one in *Lincolnshire*, and the other in *Yorkshire*; but they were soon suppress'd. In *Ireland* also there broke out a Rebellion, which prov'd fatal to the Earl of *Kildare*, and almost to that whole Family. Memorable is the Rise and Fall of this King's great Favourites and Ministers of State, *Woolsey* and *Cromwell*; the first a Butcher's, the last a poor Smith's Son: *Woolsey* fell under the King's Displeasure about his first Divorce, and prevented a publick by a natural Death; but *Cromwell* fell under the Axe, soon after the King had made him Earl of *Essex*. The Learned Sir *Tho. Moor*, who had succeeded the Cardinal in his Chancellourship of *England*, and *John Fisher*, Bishop of *Rochester*, were also Beheaded for denying the King's Supremacy (then declar'd). The King before he fell off from the Pope (the Occasion of which Breach with his Holy Father was, viz. for his Marriage with *Catherine of Spain*, he had a Dispensation from the Pope, which took off the Odium of it; but after 20 Years standing, the King pretended a scruple of Conscience about it; and questioning the Validity of the Pope's Dispensation, made his suit to the Court of *Rome*, to get the Match disannull'd. No less than 6 Years did he struggle for it, till being abus'd with delays, and satisfied with the Opinion of most Universities, and the Learned'st Men in *Europe*, about the Legality of a Divorce in his Case; he cast off Queen *Catherine*, and married *Anne Bullen* in Defiance of the Pope. The Consequence whereof was a Declaration of his former Marriage, by Act of Parliament, to be incestuous and void, the Pope's Authority here abrogated, the King declar'd supreme Head of the Church of *England*, the Dissolution of Monasteries, and their Revenues, as well as the first Fruits of Benefices, appropriated to the King: whom therefore the Pope Excommunicated with the Kingdom) had writ a Book against *Luther*, the great Reformer of the Church in *Germany*; for which Pope *Leo* Honour'd him with the Title of Defender of the Faith, since made Hereditary to the King's of *England*, by Act of Parliament.

Wales was, in this King's Reign, Incorporated to *England*, and *Ireland* made a Kingdom. To unite *Scotland* to *England*, a Match was concluded between Prince *Edward*, and *Mary* the young Queen of *Scots*; but after-

wards broke off by the Power of the *Hamiltons*, influenc'd by the *French*, which occasion'd a new War with *France* and *Scotland*, in which the King was so successful as to take *Boulogne* from the *French*, and to destroy with Fire *Leith* and *Endenburgh* in *Scotland*. Lastly, by this King were Erected 6 new Bishopricks, viz. *Westminster*, *Oxford*, *Peterborough*, *Bristol*, *Chester*, and *Gloucester*. All which (except *Westminster*) continue Episcopal Sees to this Day. Thus reign'd *Henry* the 8th, the most absolute King that sway'd the *English* Scepter since *William* the Conqueror; who so aw'd his Parliaments, that they durst not but observe his Directions, and comply with his Desires, who alone had the courage to shake off the Pope's Authority, and yet partly remain in the Communion of that Church; for he died as he lived, since his Breach with *Rome*, half *Papist*, half Reform'd, and yet a Friend to neither Perfwasion; a resolute Prince, that neither spair'd *Papist* nor *Protestants*, Hanging the first, and Burning the last, that would not submit to his Decisions in Matters of Religion: All the Issue he left at his Death, which happen'd Jan. 28. 1547, were his three next Successors; viz. *Edward* (the 6th of that Name, an Improver of the Reformation) by *Jane Seymour*; *Mary* (a violent *Papist*, who spoil'd all *Edward* the 6th had done, in order to propagate the Reformation) by *Catherine* of *Spain*; and *Elizabeth* (of Famous Memory, call'd also *Amor Anglia*, who fully settled it) by *Anne Bullen*. In this King's Reign the Sweating-Sickness, a new sort of Disease, began to break out with these two strange Properties. 1st, That it seiz'd the *English*, not only in *England*, but in all parts beyond Sea, without infecting the Natives; therefore it was call'd in *Latin* *Sudor Anglicus*. 2dly, That the Contagion fasten'd upon young, strong Constitution'd People, whom it dispatch'd in 24 Hours, and commonly pass'd by Women, Old Men, and Children (*Speed*, &c.)

(1) *Albert*.]

CHAP.

He began to sing.